



Traffic Court Reference Manual

2012

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Notes

License Classes

The following is an explanation of the various license classes available to Georgia residents. Please note that Georgia has a graduated licensing program for teens. Provided that they meet all of the indicated requirements of the class of license for which they are applying, teenagers can obtain the following licenses at the indicated age:

- Age 15 – Class CP
- Age 16 – Class D
- Age 16 – Class MP
- Age 17 – Class M
- Age 18 – Class C

Explanation of Classes

Class A (Commercial) - Any combination of vehicles (power unit and trailer) with a Gross Vehicle Weight Rating (GVWR) of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. Includes vehicles in Classes B and C. Knowledge and driving skill exams are required. Must be at least 18 years old, though restricted to intrastate driving only until age 21.

Class B (Commercial) - Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing another vehicle not in excess of 10,000 pounds. Includes vehicles in Class C, but not Class A. Knowledge and driving skill exams are required. Must be at least 18 years old, though restricted to intrastate driving only until age 21.

Class CP – Available to any person at least 15 years of age if they pass a knowledge test and a vision examination, and meet school attendance requirements. Allows the licensee to operate a Class C non-commercial vehicle while there is a licensed driver at least 21 years of age occupying the front seat beside the driver who is fit and capable of exercising control over the vehicle, or when accompanied by a disabled parent/guardian who has been issued an identification card containing the international handicapped symbol.

Class D Provisional license for Class C vehicles – available to 16 year olds if they have held a class CP license for at least 1 year and 1 day; have not been convicted of any major traffic violations; meet school attendance and behavior requirements (see O.C.G.A. §40-5-22); and have completed a Driver's Education course consisting of classroom and behind-the-wheel training. Teens not wanting to satisfy the Driver's Education requirements may wait until they are 17 years of age to obtain their Class D license; all other requirements must be met. Required to pass a road test. Class D license holders are limited to the following conditions:

- cannot operate a motor vehicle between the hours of 12:00 AM and 6:00 AM,
- during the first six-month period after issuance, cannot operate a motor vehicle with any passenger who is not a member of the driver's immediate family (defined as the license holder's parents and step-parents, grandparents, siblings, and step-siblings, children, and any other person who resides at the license holder's residence, effective January 1, 2012),
- during the second six-month period after issuance, cannot operate a motor vehicle with more than one passenger under the age of 21 who is not a member of the driver's immediate family, and
- for the remainder of the Class D license period, cannot operate a motor vehicle when

more than three passengers under the age of 21 are not members of the driver's immediate family.

Class C (Commercial and Non-commercial) - Any single vehicle with a GVWR not in excess of 26,000 pounds; or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds; or any such vehicle towing a vehicle with a GVWR in excess of 10,000 pounds, provided that the combination of vehicles has a gross combined vehicle weight rating not in excess of 26,000 pounds, and any self-propelled or towed vehicle that is equipped to serve as temporary living quarters for recreational, camping, or travel purposes and is used solely as a family or personal conveyance.

Class C commercial licenses are issued only if the vehicle is designed to carry sixteen or more passengers (including the driver), or utilized to transport hazardous materials in quantities that require a placard. Knowledge and driving skill exams may be required upon initial issuance.

Class E (Non-commercial) – Any combination of vehicles with a GVWR of 26,001 pounds or more, provided the GVWR of the vehicle(s) being towed is in excess of 10,000 pounds. Includes vehicles in Classes F and C. Must be at least 18 years of age, pass a knowledge and skill test, and possess a valid Class C license when applying.

Class F (Non-commercial) – Any single vehicle with a GVWR of 26,001 pounds or more, or any such vehicle towing a vehicle with a GVWR not in excess of 10,000 pounds. Includes vehicles in Class C. Must be at least 18 years of age, pass a knowledge and skill test, and possess a valid Class C license when applying.

Class M Motorcycles - Motorcycles, motor driven cycles, and three-wheeled motorcycles (must be 17 years of age).

Class MP – Motorcycle Instructional Permit that allows the rider to operate a motorcycle except after dark, with passengers, or on expressways/interstates (must be at least 16 years of age and have completed driver's education program described for Class D license; otherwise, must be 17 years of age).

Class AP and BP – Allows the licensee to operate either a class A or B vehicle while there is a person at least 21 years of age who is licensed for the class of vehicle being operated who is occupying the front seat beside the driver who is fit and capable of exercising control over the vehicle.

Class EP and FP – Allows the licensee to operate a vehicle of the appropriate noncommercial class when accompanied by a licensed driver, qualified in the vehicle being operated, who is fit and capable of exercising control over the vehicle, and is occupying a seat beside the driver as an instructor.

Commercial Driver's License Endorsements

P Passenger Vehicles (sixteen or more, including driver, but not a school bus)

T Double-/Triple-Trailers

L Vehicles not equipped with Air Brakes

N Tank Vehicles

H Hazardous Material Haulers

S School Bus

X Combination of N and H

Non-Commercial Driver's License Endorsements

C Limousine Chauffeur (effective July 1, 2012)

For a list of license restrictions, please see "*Violating License Restriction(s)*" section.

Offenses Reported to DDS

Only those offenses listed below will be processed onto driver records. Any offense indicated as "Submit Only if Violation occurred in a CMV" will be processed only if "Commercial Vehicle" is "yes" on the conviction report or GECPS transmission. Any conviction submitted with an offense not on this list will be returned to the submitting court unprocessed.

Highlighted Legal Codes will result in a suspension of all driving privileges upon conviction. In addition to these offenses, legal codes with ** behind them will result in a suspension of all driving privileges for drivers under the age of 21. These indications do not reflect treatment of a plea of *nolo contendere*. See the Traffic Court Reference Manual sections on Suspensions and Drivers under 21 for more information.

This list also includes the corresponding ACD Code for each Georgia Legal Code. ACD Codes are nationally recognized offense codes used to improve communication between licensing authorities in states. They are being included in this list because their use is becoming more prevalent on driving histories (MVRs) and court personnel may begin to see them more often. ACD codes should **NOT** be used by the courts to transmit information to DDS.

See the CDL section of the Traffic Court Reference Manual for more information on the Commercial DQ Type.

Georgia Legal Code	Violation Description	Submit only if violation occurred in a CMV	ACD Code	Comm'l DQ Type <small>*=only in CMV</small>
	<i>DDS will not accept the violation code 3-3-23; the specific subparagraphs listed below must be included</i>			
3-3-23A2A**	PURCHASING ALCOHOL UNDER 21		D06	
3-3-23A2B**	ATTEMPTING TO PURCHASE		A31	
3-3-23A2C**	POSSESSION OF ALCOHOL BY MINOR --- report only if the possession was while Operating a Motor Vehicle (driver only - not to include passengers)		A31	
3-3-23A3**	MISREPRESENTING AGE TO PURCHASE ALCOHOL		A31	
3-3-23A5**	USING FALSE ID TO PURCHASE ALCOHOL		D06	
	<i>The following "Theft by..." offenses should only be reported if the item taken was a vehicle engaged in commercial transportation of cargo or any appurtenance thereto, or the cargo being transported therein or thereon (see O.C.G.A. §16-8-12(8))</i>			
16-8-2	THEFT BY TAKING		-----	Major*
16-8-3	THEFT BY DECEPTION		-----	Major*
16-8-4	THEFT BY CONVERSION		-----	Major*
16-8-5	THEFT OF SERVICES		-----	Major*
16-8-6	THEFT OF LOST OR MISPLACED PROPERTY		-----	Major*
16-8-7	THEFT BY RECEIVING STOLEN PROPERTY		-----	Major*
16-8-8	THEFT BY RECEIVING PROPERTY STOLEN IN OTHER STATE		-----	Major*
16-8-9	THEFT BY BRINGING STOLEN PROPERTY INTO STATE		-----	Major*
16-10-20	FALSE STATEMENTS	X	D78	
16-13-2	POSSESSION OF MARIJUANA, < 1 OUNCE --- misdemeanor possession of marijuana only		A33	
16-13-2B	POSSESSION OF MARIJUANA, < 1 OUNCE --- misdemeanor possession of marijuana only		A33	

16-13-30	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE --- all felony controlled substance charges, including felony marijuana possession; plea of nolo not accepted, must use 16-13-2 or 16-13-2B for a nolo plea on misdemeanor possession of marijuana		A33	
16-13-30A	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE		A33	
16-13-30B	ILLEGAL POSSESSION OF CONTROLLED SUBSTANCE		A33	
16-13-30.1	POSSESSION OF NON-CONTROLLED SUBSTANCE		A33	
16-13-30.2	POSSESSION OF IMITATION CONTROLLED SUBSTANCE		A33	
16-13-30.3B1	POSSESSION OF CERTAIN AMOUNTS OF EPHEDRINE		A33	
16-13-30.3B1.1	RESTRICTIONS ON COMMERCIAL SALES OF EPHEDRINE		A33	
16-13-30.3D	ALTERING EPHEDRINE PRODUCTS		A33	
16-13-30.4	EPHEDRINE STORAGE AND LICENSING REQUIREMENTS		A33	
16-13-30.4G2	EPHEDRINE SALES FOR PURPOSES OF MANUFACTURING		A33	
16-13-30.5	POSSESSING SUBSTANCE TO MANUFACTURE CNTRL SUBSTANCE		A33	
16-13-31	TRAFFICKING IN CONTROLLED SUBSTANCE		A33	
16-13-31.1	ECSTASY TRAFFICKING		A33	
16-13-32	TRANSACTIONS OF DRUG RELATED OBJECTS TO USE		A33	
16-13-32.1	TRANSACTIONS OF DRUG RELATED OBJECTS TO GROW		A33	
16-13-32.2	POSSESSION OF DRUG RELATED OBJECT		A33	
16-13-32.3	USE OF COMMUNICATION FACILITY TO COMMIT FELONY		A33	
16-13-32.4	DRUG-FREE SCHOOL ZONE		A33	
16-13-32.5	DRUG-FREE RECREATION/HOUSING PROJECT ZONE		A33	
16-13-32.6	DRUG-FREE COMMERCIAL ZONE		A33	
16-13-33	CONSPIRACY TO POSSESS CONTROLLED SUBSTANCE		A33	
16-13-42	UNLAWFULLY DISPENSING PRESCRIPTIONS		A33	
16-13-43	UNLAWFULLY DISTRIBUTING PRESCRIPTIONS		A33	
16-13-72	ILLEGAL POSSESSION OF DANGEROUS DRUGS --- report only if a juvenile under 16 years of age		A33	
32-1-10	COMMERCIAL MISDEMEANOR --- generic commercial violation	X	-----	
32-6-20	EXCEED/VIOLEATE SIZE, WEIGHT, PASS/CARGO LIM	X	-----	
32-6-22	EXCEED/VIOLEATE HEIGHT LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-23	EXCEED/VIOLEATE WIDTH LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-24	EXCEED/VIOLEATE SIZE LIMIT OF VEHICLE/TRUCK	X	-----	
32-6-28	VIOLEATE EXCESS SIZE/WEIGHT PERMIT	X	-----	
32-6-30	FAILURE TO WEIGH OR STOP AT WEIGH STATION	X	-----	Misc.
32-9-4	IMPROPER LANE USAGE		M49	
40-1-8	FAILURE TO OBEY MOTOR CARRIER RULES			
40-2-5	ACQUIRING LIC PLATE TO CONCEAL VEH IDENTITY --- improper use of a license plate	X	-----	
40-2-6	MISSING/DEFACED/OBSCURED LICENSE PLATE	X	-----	
40-2-8	EXPIRED OR NO LICENSE PLATE OR DECAL	X	-----	
40-2-20	EXPIRED OR NO LICENSE PLATES OR DECAL	X	-----	
40-2-31	LICENSE PLATE SPECIFICATIONS	X	-----	
40-2-38	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
40-2-41	OBSCURD OR MISSING LICENSE PLATE	X	-----	

40-2-44	EXPIRED OR NO LICENSE PLATE OR DECAL	X	-----	
40-2-88	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
40-2-90	EXPIRED OR NO LICENSE PLATES OR DECAL	X	-----	
40-2-114	UNLAWFUL OPERATION - MOTOR TRUCK --- <i>generic motor truck violation</i>	X	-----	
40-3-90	ALTERED/COUNTERFEIT CERTIFICATE OF TITLE	X	-----	
40-4-21	FALSIFICATION OF VIN OR REGISTRATION PLATE	X	-----	
40-4-22	POSSESSION OF VEHICLE W/ALTERED VIN	X	-----	
40-5-20	DRIVING WITHOUT A VALID LICENSE		B51	
40-5-20A	DRIVING WITHOUT A LICENSE - FAILURE TO OBTAIN IN 30 DAYS		B51	Serious*
40-5-20B	STEERING/ CONTROLLING TOWED VEHICLE WITHOUT A LICENSE		B51	Serious*
40-5-20C	POSSESSION OF MULTIPLE DRIVER'S LICENSES		D07	
40-5-20F	FELONY DRIVING WITHOUT A LICENSE --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-5-29	FAILURE TO HAVE LICENSE ON PERSON	X	B51	Serious*
40-5-29A	FAILURE TO HAVE LICENSE ON PERSON	X	B51	Serious*
40-5-30	VIOLATING RESTRICTION OF DRIVER LICENSE --- <i>for medical or equipment requirements to operate a vehicle; up to a six month suspension at the discretion of the court</i> <i>DO not report violations of a Class CP or D license (see 40-5-24) under this or any other code</i>		D29	
40-5-32	EXPIRED LICENSE	X	-----	Serious*
40-5-32A	EXPIRED LICENSE	X	B51	Serious*
40-5-54A2	MOTOR VEHICLE USED IN FELONY		U03	Major
40-5-55	REFUSED TEST - IMPLIED CONSENT		A12	Major
40-5-56	FAILURE TO APPEAR FOR TRIAL OR COURT APPEARANCE		D45	
40-5-58	HABITUAL VIOLATOR --- <i>driving while license revoked HV (felony)</i>		B25	Major
40-5-58C	HABITUAL VIOLATOR MISDEMEANOR --- <i>driving while license revoked HV but after 5 year period (misd.)</i>		B25	Major
40-5-58E	VIOLATE LIMITED LICENSE CONDITIONS --- <i>violating the restrictions of an HV Probationary License (HVPL)</i>		D27	
40-5-64	VIOLATE LIMITED LICENSE CONDITIONS --- <i>violating the restrictions of a Limited Permit (not an HVPL)</i>		D27	
40-5-65	OPERATING MV W/OTHER LIC WHILE SUSP/REV		B20	Major
40-5-67.1C	ADMINISTRATIVE PER SE		A98	Major
40-5-120	IMPROPER USE DRIVER'S LICENSE		D16	Major
40-5-121	DRIVING WHILE LICENSE WITHDRAWN		B20	Major
40-5-121F	DRIVING WHILE LICENSE WITHDRAWN - FELONY --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-5-125	FALSE REPORT/APPLICATION FOR DRIVER'S LICENSE		D02	Major
40-5-142.22E	VIOLATION INVOLVING FATAL ACCIDENT		U31	Serious*
40-5-143	POSSESS MULTIPLE DRIVER LICENSES	X	D07	
40-5-146A1	DRIVING CMV WITHOUT CDL	X	B51	Serious*
40-5-146A2	DRIVING CMV WITHOUT CDL ON PERSON	X	B51	Serious*
40-5-146B1	DRIVING WHILE PRIVILEGE WITHDRAWN	X	B20	Serious*
40-5-146B2	VIOLATING OUT-OF-SERVICE ORDER	X	B27	OOSOV*

40-5-149	EXPIRED OR NO COMMERCIAL DRIVERS LICENSE	X	B51	Serious*
40-5-149B	FAILURE TO REPORT NAME OR ADDRESS CHANGE	X	-----	
40-5-150D	IMPROPER CLASS/ENDORSEMENT	X	B91	Serious
40-5-150I2	ADMINISTRATIVE ACTION - SECURITY RISK		W09	
40-5-151E	VEHICLE USED IN FELONY CONTROLLED SUBSTANCE		A50	Major
40-5-151G3	VIOLATING OUT-OF-SERVICE ORDER - HAZMAT	X	B19	OOSOV*
40-5-151J1	IMMINENT HAZARD (FEDERAL DETERMINATION)		W70	
40-5-152	COMMERCIAL DRIVING W/MEASURABLE BAC	X	A26	
40-6-2	FAILURE TO OBEY POLICE/PEACE OFFICER		M08	
40-6-6	EMERGENCY VEHICLE VIOLATION		-----	
40-6-10	FAILURE TO MAINTAIN INSURANCE		D36	
40-6-10A	NO PROOF OF INSURANCE --- if proof of valid insurance at the time of the traffic stop is presented to the court, do NOT submit to DDS, and license will not be suspended.		D36	
40-6-10B	FAILURE TO MAINTAIN INSURANCE		D36	
40-6-10C	FALSE STATEMENT OR CERTIFICATION/INSURANCE		-----	
40-6-11	NO PROOF OF INSURANCE - MOTORCYCLE		D36	
40-6-14	EQUIPMENT USED IMPROPERLY-EXCESSIVE NOISE		-----	
40-6-15	OPERATING VEHICLE WITH SUSP/CANC/REV REGISTRATION		-----	Major
40-6-16	IMPROPER PASSING OF EMERGENCY/TOWING/HWY VEHICLE		M18	
40-6-17	TRAFFIC CONTROL DEVICE PREEMPTION EMITTER VIOLATION		-----	
40-6-20	FAILURE TO OBEY SIGNS OR CONTROL DEVICES		M14	
40-6-21	FAILURE TO OBEY TRAFFIC SIGNAL OR LIGHT		M16	
40-6-23	FAILURE TO OBEY FLASHING SIGNALS		M17	
40-6-24	LANE DIRECTION VIOLATION		M62	
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40-6-26B	OPERATE VEHICLE WHERE PROHIBITED		-----	
40-6-40	OBSTRUCTING TRAFFIC/FTY ROW		N72	
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40-6-47	WRONG WAY ON ONE-WAY STREET		N63	
40-6-48	IMPROPER/ERRATIC LANE CHANGE		M42	Serious

40-6-49	FOLLOWING TOO CLOSELY		M34	Serious
40-6-49A	FOLLOWING TOO CLOSELY		M34	Serious
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40-6-50	FAILURE TO KEEP IN PROPER LANE		M51	
40-6-50B	FAILURE TO KEEP IN PROPER LANE		M51	
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40-6-52C	DRIVING IN LEFT LANE OF 2 LANES --- (<i>big trucks</i>)		M49	
40-6-52D	FAILURE TO KEEP IN PROPER LANE		M49	
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40-6-54	IMPROPER LANE USAGE		M49	
40-6-55	FAILURE TO YIELD TO BICYCLE		M47	
40-6-56	FAILURE TO MAINTAIN SAFE DISTANCE FROM BICYCLE		N03	
40-6-70	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE		N06	
40-6-71	FAILURE TO YIELD RIGHT OF WAY, TURNING		N31	
40-6-72	FAILURE TO OBEY STOP SIGN		M15	
40-6-72B	FAILURE TO OBEY STOP SIGN		M15	
40-6-72C	FAILURE TO OBEY YIELD SIGN		M19	
40-6-73	FAILURE TO YIELD RIGHT OF WAY TO VEHICLE		N06	
40-6-74	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH		N04	
40-6-74A	FAILURE TO YIELD RIGHT OF WAY TO EMERGENCY VEH		N04	
40-6-74B	UNSAFE OPERATION OF EMERGENCY VEHICLE		N84	
40-6-75	FAILURE TO OBEY CONSTRUCTION MARKERS		M03	
40-6-76	FAILURE TO YIELD TO FUNERAL PROCESSION		N05	
40-6-91A	FAILURE TO YIELD RIGHT OF WAY AT CROSSWALK		N20	
40-6-91D	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>passing a vehicle stopped for a pedestrian</i>		N08	
40-6-93	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>failure to exercise due care with pedestrians</i>		N08	
40-6-94	FAILURE TO YIELD RIGHT OF WAY TO PEDESTRIAN --- <i>failure to yield right of way to a blind pedestrian</i>		N08	
40-6-98	FAILURE TO OBEY SAFETY ZONE		M12	
40-6-120	IMPROPER TURN		N50	
40-6-120A1	IMPROPER RIGHT TURN		N54	
40-6-120A2	IMPROPER LEFT TURN		N53	
40-6-120B	IMPROPER TURN		N50	
40-6-121	MAKING IMPROPER U TURN		N56	
40-6-122	IMPROPER STARTING	X	N83	
40-6-123	FAILURE TO SIGNAL LANE CHANGE OR TURN		N43	
40-6-123A	IMPROPER/ERRATIC LANE CHANGE		M42	
40-6-123B	GIVING WRONG SIGNAL		N44	
40-6-123C	IMPROPER STOPPING		N40	
40-6-123D	IMPROPER SIGNAL		N40	
40-6-124	FAILURE TO SIGNAL/IMPROPER SIGNAL		N40	
40-6-125	IMPROPER USE OF HAND SIGNAL		N40	
40-6-126	CENTER LANE VIOLATION		M62	

40-6-140	FAILURE TO OBEY RR CROSSING RESTRICTIONS		M10	RGCV
40-6-140A	FAILURE TO OBEY RR GRADE CROSSING RESTRICTIONS		M10	RGCV
40-6-140B	FAILURE TO OBEY RR CROSSING RESTRICTIONS --- driving around or over a RR barrier		M10	RGCV
40-6-140C	FAILURE TO SLOW FOR RR GRADE CROSSING		M20	RGCV
40-6-140D	DRIVING OVER RR CROSSING WHEN TRAIN APPROACHING		M21	RGCV
40-6-140E	DRIVING OVER RR CROSSING W/OUT SUFFICIENT SPACE		M23	RGCV
40-6-140F	DRIVING OVER RR XING W/OUT SUFFICIENT CLEARANCE		M24	RGCV
40-6-141	FAILURE TO OBEY RR GATES/SIGNS/SIGNALS		M10	RGCV
40-6-142	FAILURE TO STOP AT RAILROAD GRADE CROSSING		M22	RGCV
40-6-142A	DISREGARDING SIGNS OR CONTROL DEVICES/RR		M22	RGCV
40-6-143	MOVING HEAVY EQUIPMENT AT RR GRADE CROSSING		M24	RGCV
40-6-144	EMERGING FROM ALLEY, DRIVEWAY, OR BUILDING		N01	
40-6-160	SCHOOL BUS SPEEDING	X	S92	Serious*
40-6-161	OPERATING SCHOOL BUS WITHOUT USING HEADLIGHTS	X	E55	
40-6-162	FAILURE TO USE VISUAL SIGNALS, BY SCHOOL BUS	X	E50	
40-6-163**	PASSING SCHOOL BUS -LOADING/UNLOADING		M75	
40-6-164	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	X	N08	
40-6-165	FAILURE OF SCHOOL BUS TO YIELD RIGHT OF WAY	X	N01	
40-6-180	TOO FAST FOR CONDITIONS/PRIMA FACIE SPEED	X	S94	
40-6-181**	SPEEDING (must report actual and posted speed) report all offenses for non-GA license holders; do not report for GA license holders if speed is less than 15 mph above the limit UNLESS operating a commercial motor vehicle; indicate if two lane road or not; **if 24 mph or more over speed limit --> Under 21 suspension		S92	Serious
40-6-184	SPEED LESS THAN MINIMUM		S96	
40-6-186	RACING		S95	Major
40-6-188**	CONSTRUCTION SITE SPEED VIOLATION (must report actual and posted speed) --- report all offenses for non-GA license holders; do not report for GA license holders if speed is less than 15 mph above the limit UNLESS operating a commercial motor vehicle; **if 24 mph or more over speed limit --> Under 21 suspension		S92	Serious
40-6-201	PARKING VIOLATION	X	-----	
40-6-203	ILLEGAL STOP/STAND/PARK WHERE PROHIBITED	X	-----	
40-6-205	OBSTRUCTING INTERSECTION		F34	
40-6-226	VIOLATION OF HANDICAP PARKING	X	-----	
40-6-240	IMPROPER BACKING		N82	
40-6-241	FAILURE TO EXERCISE DUE CARE		M81	
40-6-241.1	UNLAWFUL USE OF WIRELESS DEVICE (UNDER 18)		N84	
40-6-241.2	OPERATING A VEHICLE WHILE TEXT MESSAGING (18 OR OLDER)		N84	Serious
40-6-242	DRIVER'S VIEW OBSTRUCTED		D70	
40-6-243	OPENING DOOR INTO TRAFFIC		-----	
40-6-244	UNSAFE OPERATION OF VEHICLE		N84	
40-6-245	IMPROPER DRIVING - CANYON/MOUNTAIN/HIGHWAY		M81	
40-6-246	COASTING PROHIBITED		N80	
40-6-247	FOLLOWING EMERGENCY VEHICLE		M32	

40-6-248	IMPROPER LANE/LOC ON FIRE HOSE		M56	
40-6-248.1	FAILURE TO SECURE LOAD --- <i>resulting in littering or safety hazard</i>	X	-----	
40-6-249	LITTERING FROM A MOTOR VEHICLE	X	-----	
40-6-250	USE OF EQUIPMENT PROHIBITED BY LAW		-----	
40-6-251	DRIVING IN CIRCULAR OR ZIG-ZAG COURSE "LAYING DRAGS"		N83	
40-6-252	PARKING VIOLATION		N84	
40-6-253	POSSESSION OF OPEN ALCOHOL CONTAINER --- <i>by driver only, do not report if defendant was a passenger</i>		A35	
40-6-253.1	TRANSPORTATION OF ETIOLOGIC AGENT		E04	
40-6-254	FAILURE TO SECURE LOAD		-----	
40-6-255	NOT PAYING FOR GASOLINE - <i>Suspension on 2nd+ Conviction</i>		-----	
40-6-270	HIT AND RUN-FAILURE TO STOP AND RENDER AID		B01	Major
40-6-271	STRIKING UNATTENDED VEHICLE		B08	Major
40-6-272	FAIL TO RPT STRIKING FIXED OBJECT		B08	Major
40-6-273	FAILURE TO REPORT ACCIDENT		B05	Major
40-6-275	FAILURE TO REMOVE ACCIDENT VEHICLE	X	F34	
40-6-311	UNSAFE OPERATION OF MOTORCYCLE		F06	
40-6-312	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle lane violation</i>		F06	
40-6-312A	UNSAFE OPERATION OF MOTORCYCLE --- <i>another vehicle depriving a motorcycle of a full lane</i>		F06	
40-6-312B	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle passing another vehicle in the same lane</i>		F06	
40-6-312C	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle driving between lanes</i>		F06	
40-6-312D	UNSAFE OPERATION OF MOTORCYCLE --- <i>more than 2 motorcycles abreast in a lane</i>		F06	
40-6-312E	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle headlights/taillights not illuminated</i>		F06	
40-6-313	CLINGING TO OTHER VEHICLE		-----	
40-6-314A	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle footrest violation</i>		F06	
40-6-314B	UNSAFE OPERATION OF MOTORCYCLE --- <i>motorcycle handlebars violations</i>		F06	
40-6-315A	MOTORCYCLE EQUIPMENT NOT USED PROPERLY --- <i>motorcycle headgear not used properly</i>		F03	
40-6-315B	MOTORCYCLE EQUIPMENT NOT USED PROPERLY --- <i>motorcycle windshield/eye protection violation</i>		F03	
40-6-331	MOTORIZED CART VIOLATION		M11	
40-6-352	SAFETY EQUIPMENT NOT USED PROPERLY		-----	
40-6-390**	RECKLESS DRIVING		M84	Serious
40-6-390A**	RECKLESS DRIVING		M84	Serious
40-6-391	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL		A20	Major
40-6-391A	DRIVING UNDER INFLUENCE DRUGS/ALCOHOL		A20	Major
40-6-391A1	DRIVING UNDER THE INFLUENCE/ALCOHOL LESS SAFE		A21	Major
40-6-391A2	DRIVING UNDER THE INFLUENCE/DRUGS		A22	Major
40-6-391A3	DRIVING UNDER INFLUENCE - INHALANTS		A23	Major
40-6-391A4	DUI - DRUGS AND ALCOHOL COMBINED		A21	Major

40-6-391A5	DRIVING UNDER THE INFLUENCE - ALCOHOL --- <i>DUI Alcohol - per se</i>		A20	Major
40-6-391A6	DUI - MARIJUANA		A22	Major
40-6-391C4	DUI - FELONY --- (4th within 5 years for violation dates 7/1/2008 and later)		B20	Major
40-6-391I	COMMERCIAL DRIVING IMPAIRED	X	A20	Major*
40-6-391K1	DUI --- <i>under the age of 21</i> --- <i>if over 21 on date of disposition, must report as a regular DUI --</i> <i>see O.C.G.A. 40-5-57.1(d)</i>		A60	
40-6-391L	CHILD ENDANGERMENT		-----	Major
40-6-393.1A	VEHICULAR FETICIDE - 1ST DEGREE		U07	Major
40-6-393.1B	VEHICULAR FETICIDE - 2ND DEGREE		U08	Major
40-6-393A	VEHICULAR HOMICIDE - 1ST DEGREE		U07	Major
40-6-393B	VEHICULAR HOMICIDE - 1ST DEGREE		U08	Major
40-6-393C	VEHICULAR HOMICIDE - 2ND DEGREE		U07	Major
40-6-394	SERIOUS INJURY BY VEHICLE		U03	Major
40-6-395	FLEEING OR ATTEMPTING TO ELUDE POLICE		U01	Major
40-6-395A	FLEEING OR ATTEMPTING TO ELUDE POLICE		U01	Major
40-6-395B5A	FELONY FLEEING POLICE OR ROADBLOCK		U01	Major
40-6-397**	AGGRESSIVE DRIVING		-----	
40-8-1	DRIVING WITH NO OR WITHOUT LIGHTS	X	E05	
40-8-2	ALL PARTS MUST BE SAFELY MAINTAINED --- <i>vehicle equipment violation</i>	X	E01	
40-8-3	LOAD DRAGGING ON HIGHWAY	X	-----	
40-8-4	REQUIRED EMBLEM NOT USED	X	E01	
40-8-5	TAMPERING WITH ODOMETER	X	E01	
40-8-6	ALTERED SUSPENSION	X	-----	
40-8-6.1	TAMPERING WITH ODOMETER	X	-----	
40-8-7	UNSAFE VEHICLE OR EQUIPMENT	X	-----	
40-8-8	DEFECTIVE OR MISSING SPEEDOMETER	X	E01	
40-8-9	NAME REQUIREMENTS NOT PROPERLY DISPLAYED	X	E01	
40-8-10	USE OF NITROUS OXIDE IN PASSENGER CAR	X	-----	
40-8-20	OPERATING W/OUT LIGHTS REQUIRED BY LAW	X	E05	
40-8-21	DEFECTIVE OR NO LIGHTS	X	E34	
40-8-22	DEFECTIVE OR NO HEADLIGHTS	X	E34	
40-8-22B	DEFECTIVE OR NO HEADLIGHTS	X	E34	
40-8-23	DEFECTIVE OR NO TAILLIGHTS	X	E34	
40-8-24	DEFECTIVE OR NO REFLECTORS	X	-----	
40-8-25	BRAKE LIGHT/TURN SIGNAL VIOLATION	X	E34	
40-8-26	BRAKE LIGHT/TURN SIGNAL VIOLATION	X	E05	
40-8-27	NO WARNING FOR PROJECTING LOAD	X	-----	
40-8-28	FAILURE TO DIM LIGHTS WHEN PARKED	X	E54	
40-8-28D	FAILURE TO DIM LIGHTS WHEN PARKED	X	E54	
40-8-29	AUXILLIARY LIGHT VIOLATION	X	E55	
40-8-30	LIGHT VIOLATION	X	E05	
40-8-31	FAILURE TO DIM LIGHTS	X	E54	
40-8-32	AMBER LIGHT VIOLATION	X	-----	
40-8-33	AGRICULTURAL VEHICLE LIGHT VIOLATION	X	E05	

40-8-34	LIGHT VIOLATION	X	E05	
40-8-35	LOW SPEED VEHICLE LIGHT VIOLATION	X	E05	
40-8-50	DEFECTIVE OR INSUFFICIENT BRAKES	X	E31	
40-8-51	DEFECTIVE BRAKES	X	E31	
40-8-52	PARKING BRAKE VIOLATION	X	E02	
40-8-53	BRAKE VIOLATION	X	E02	
40-8-54	DEFECTIVE BRAKES	X	E31	
40-8-70	WARNING DEVICE VIOLATION	X	E01	
40-8-71	EXHAUST SYSTEM VIOLATION	X	-----	
40-8-72	REAR VIEW OBSTRUCTION	X	E01	
40-8-73	WINDOW, WINDSHIELD, OR WIPER VIOLATION	X	E01	
40-8-73.1	WINDOW TINT VIOLATION	X	D70	
40-8-74	DEFECTIVE TIRES	X	E37	
40-8-75	MUD FLAP VIOLATION	X	-----	
40-8-76	CHILD OR YOUTH RESTRAINT NOT USED PROPERLY		F02	
40-8-76.1	SEAT BELT VIOLATION - ADULT		F04	
40-5-76.1E3	SEAT BELT VIOLATION – MINOR (AGES 8 THROUGH 17)		F04	
40-8-79	UNSECURED PASSENGERS IN OPEN AREA/VEHICLE	X	F05	
40-8-90	USE OF LIGHTS/SIREN PROHIBITED	X	-----	
40-8-92	USE OF LIGHTS/SIREN PROHIBITED	X	-----	
40-8-96	EMERGENCY VEHICLE VIOLATION	X	-----	
40-8-110	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-111	SCHOOL BUS EQUIPMENT VIOLATION	X	E06	
40-8-112	SCHOOL BUS SPECIFICATION VIOLATION	X	E06	
40-8-115	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-116	SCHOOL BUS MARKING VIOLATION	X	E06	
40-8-130	EMISSION VIOLATION	X	-----	
40-8-181	EXHAUST SYSTEM USED IMPROPERLY/OBSTRUCTED	X	-----	
40-8-182	EMISSION VIOLATION	X	-----	
40-8-183	EMISSION VIOLATION	X	-----	
42-8-117	INTERLOCK PROBATION VIOLATION		-----	
46-7-3	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>operating a motor carrier without a valid certificate</i>	X	-----	
46-7-15	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to register a motor carrier</i>	X	-----	
46-7-16	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to register an interstate commerce carrier</i>	X	-----	
46-7-27	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey motor carrier rules and regulations (generic)</i>	X	-----	
46-7-38	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey rates regulations</i>	X	-----	
46-7-39	FAILURE TO OBEY MOTOR CARRIER RULES/REGS --- <i>failure to obey motor carrier rules and regulations (generic)</i>	X	-----	
46-11-4	HAZARDOUS MATERIALS VIOLATION	X	-----	
48-2-31	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-8-9	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-9-38	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	
48-9-39	EXPIRED OR NO REGISTRATION OR TITLE	X	-----	

Suspensions and Disqualifications Taken by DDS

Convictions

The following is a list of offenses for which DDS will suspend the license or driving privileges, upon being informed of a conviction by a court (suspension authority indicated in parentheses):

§40-6-393	Homicide by Vehicle (1st and 2nd Degree) (§§40-5-54, 40-5-63)
§40-6-270	Hit and Run or Leaving the Scene of an Accident (§§40-5-54, 40-5-63)
§40-6-394	Serious Injury by Vehicle (§§40-5-54, 40-5-63)
§40-6-393.1	Feticide by Vehicle (1st Degree) (§§40-5-54, 40-5-63)
§40-5-120	Fraudulent or Fictitious Use of or application for a license or ID card (§§40-5-54, 40-5-63)
§40-5-125	Fraudulent or Fictitious Use of or application for a license or ID card (§§40-5-54, 40-5-63)
§40-6-15	Operating a motor vehicle with a revoked, cancelled, or suspended registration (§§40-5-54, 40-5-63)
§40-6-186	Racing on Highways or Streets (§§40-5-54, 40-5-63)
§40-6-395	Using a motor vehicle in fleeing or attempting to elude an officer (§§40-5-54, 40-5-63)
§40-6-391	Driving under the Influence/DUI – Child Endangerment (§40-5-63)
§40-6-255	Failure to Pay for Gasoline (§40-5-57.2)
§40-6-10	No Insurance/Failure to Show Proof of Insurance (§40-5-70)
§40-5-121	Driving While License Suspended or Revoked (§40-5-121)
§32-6-30	Refusal to Weigh (§32-6-30)
§40-5-30	Violation of License Restriction (not mandatory, at the discretion of the court)

- Any violation of the Georgia Controlled Substance Act (Article 2 of Chapter 13 of Title 16 of the Official Code of Georgia Annotated) (§40-5-75)
- Any felony in the commission of which a motor vehicle is used (§§40-5-54, 40-5-63)
- Any felony forgery conviction if related to an identification document (§40-5-54)
- Accumulation of fifteen (15) or more points in any consecutive 24 month period (§40-5-57)

For persons under the age of 21, any of the above convictions AND:

§3-3-23(a)(2))	Purchasing an alcoholic beverage by a person under 21 years of age (§40-5-57.1)
§3-3-23(a)(2)	Attempt to purchase alcohol by an underage person (§40-5-63(e))
§3-3-23(a)(2)	Possession of alcohol by a minor while operating a vehicle (§40-5-63(e))
§3-3-23(a)(3)	Misrepresenting age for the purpose of illegally obtaining an alcoholic beverage (§40-5-57.1)
§3-3-23(a)(5)	Misrepresenting identity or using false identification for the purpose of purchasing or obtaining any alcoholic beverage (§40-5-57.1)
§40-6-390	Reckless Driving (§40-5-57.1)

For persons under the age of 21 who are Georgia residents, any of the above convictions AND:

§40-6-397	Aggressive Driving (§40-5-57.1)
§40-6-45(a)(1)	Improper Passing on a hill or curve (§40-5-57.1)
§40-6-163	Unlawful passing of a school bus (§40-5-57.1)
§40-6-181	Exceeding the speed limit by 24 mph or more (§40-5-57.1)

For persons under the age of 18 who are Georgia residents, any of the above convictions AND §40-5-57.1 Accumulation of four (4) or more points in any consecutive twelve (12) month period (§40-5-57.1)

Administrative License Suspensions/Revocations

- Refusal to submit to a test to determine the driver's alcohol concentration (§40-5-55)
- Blood alcohol concentration (BAC) level requires suspension (§40-5-67.1)
- Georgia residents who have accumulated at least 15 points in any consecutive 24-month period (§40-5-57)
- Failure to Respond to Citation (§40-5-56)
- Noncompliance with Child Support Order (§40-5-54.1)
- Failure to pay the Super Speeder Fee (§40-6-189)
- Ignition Interlock Device Permit (§42-8-112)
- Medical Revocation (§40-5-59)
- Safety Responsibility (§40-9-3)
- School Violations (§40-5-22)

Revocations Triggered by Operation of Law

- Any moving violation conviction while driving with limited permit (§40-5-64)
- Habitual Violator (§40-5-58)
- Violating conditions of limited permit (§40-5-64)

Disqualification of Commercial Driving Privileges – See CDL Section for more details

- In addition to the above suspensions, commercial driving privileges will be disqualified pursuant to O.C.G.A. §40-5-151 for:
- Any offense listed in O.C.G.A. §40-5-54
- Conviction of any violation of code sections §16-8-2 through §16-8-9 if the property that was the subject of the theft was a vehicle engaged in commercial transportation, any appurtenance thereto, or any cargo contained therein or thereon
- Driving under the influence of alcohol or drugs
- Refusal to submit to a test to determine the driver's blood alcohol concentration (BAC)
- Using a CMV in the commission of a felony
- Failure to report striking an unattended vehicle
- Failure to report striking a fixed object
- Failure to report an accident
- Driving a commercial motor vehicle while the person's commercial driver's license or commercial driving privilege is revoked, suspended, canceled, or disqualified
- Commission of multiple serious traffic violations
- Violations of out-of-service orders
- Conviction of a railroad grade crossing offense while operating a commercial motor vehicle
- Falsification of information on CDL application and/or supporting documents
- Notification from FMCSA of imminent hazard

Reporting Convictions to DDS

What convictions must be reported

O.C.G.A. §40-5-53(b):

"(b) Every court in each county of this state having jurisdiction over offenses committed under this chapter and Chapter 6 of this title or any other law of this state or ordinance adopted by a local authority regulating the operation of motor vehicles on highways shall forward to DDS, within ten days after the conviction of any person in such court for a violation of any such law other than regulations governing speeding in a noncommercial motor vehicle for which no points are assigned under Code Section 40-5-57, standing, or parking, a uniform citation form authorized by Article 1 of Chapter 13 of this title..."

If a conviction for a "non-traffic" offense will generate a suspension of a driver's license or privilege to drive pursuant to Georgia law, it must be reported to DDS. See *Salomon v. Earp*, 190 Ga. App. 405 (1989). This specifically includes violations of the Georgia Controlled Substance Act (see O.C.G.A. §40-5-75; Article 2 of Chapter 13 of Title 16).

Report only the final disposition

If reporting electronically, only report the violations for which the defendant ultimately plead guilty, plead *nolo contendere* (when applicable), was convicted, or the bond was forfeited. For example, if a charge of Driving Under the Influence was reduced to Reckless Driving, report only the Reckless Driving. If reporting via the Uniform Traffic Citations, please draw a single line through the original charge and code section on the face of the citation and place the new charge and code section directly above the old one. Also, any change to the original charge should be noted under "Disposition and Sentence" on the reverse side of the citation. This notation should reflect the new charge and code section for which the defendant was convicted. Place your initials next to any changes.

Reporting method

O.C.G.A. §40-5-53(b) continued:

"...Notwithstanding any other provision of this title, in satisfaction of the reporting requirement of this subsection, the courts of this state shall transmit the information contained on the uniform citation form by electronic means, using the electronic reporting method approved by the department (emphasis added). Subject to appropriation by the General Assembly, the department shall pay to the clerk of the court forwarding the required report 40¢ for each report transmitted electronically in a timely manner as required in this subsection; and notwithstanding any general or local law to the contrary; the clerk shall pay such fees over to the general fund of the city or county operating the court.."

Georgia Electronic Citation Processing System (GECPS)

The Federal Motor Carrier Safety Regulations (49 C.F.R. §350, *et seq.*) require that by September 30, 2008, all states must process any conviction related to commercial driver's licenses, commercial motor vehicles, and the transportation of hazardous materials that impacts driving privileges onto the driving history of a licensee within 10 days of final disposition. For out of state residents, the State of Conviction must notify the State of Record within 10 days of final disposition. This requirement cannot be met using paper reporting methods. In an effort to meet this requirement and not jeopardize Federal highway funds, the Georgia Electronic Conviction Processing System (GECPS) was developed, allowing courts to report certain offenses electronically.

In May of 2007, DDS released Version 2 of the Georgia Electronic Conviction Processing System (GECPS). GECPS 2 is an improvement over the original version and will eliminate almost all paper reporting to DDS by the courts. GECPS 2 allows courts to transmit the following in a standard electronic format:

- Convictions of traffic offenses from the Uniform Traffic Citation (UTC)
- Convictions of certain drug offenses (those normally reported on the DS-1242)
- Juvenile offenses and court-ordered suspension (those normally reported on the DS-1137)
- Zero-Point Orders pursuant to O.C.G.A. §40-5-57(c)(1)(C)
- Failure to appear Suspensions (for Georgia and out-of-state residents)
- Failure to appear Releases (both before and after the suspension becomes effective)

Courts that begin transmitting convictions electronically should not send the same convictions via the GECPS protocol and paper reporting methods unless directed to by DDS personnel during the structured testing phase. Should an 'electronic' court be required to send a conviction or withdrawal in by paper, the UTC/form must be accompanied by the DS-315R cover letter, notifying DDS that the document enclosed is an exception to the court's usual practice of electronically submitting convictions. This cover letter is not required when mailing licenses, notice of suspension forms, and certain other non-conviction-reporting documents.

DDS urges each court to register their contact information and download a current copy of the User Implementation Guide. After you register, a representative from DDS will contact you to provide additional instructions and information. DDS does not provide the front-end data entry software necessary to transmit convictions electronically. However, DDS can provide the court with a list of vendors who do offer this capability, along with integrated case management software and other services.

Courts can register or/update their contact information, and sign up for GECPS from the following website: <https://online.dds.ga.gov/citationreporting/>
Once a court has registered for GECPS and obtained a valid login, the GECPS Implementation Guide can be obtained in PDF format from the DDS website after logging in to GECPS.

Please check our web page frequently for updates to this guide and other important information related to court functions.

Seized driver's licenses, notice of suspension/revocation forms, and certain other documents must still be mailed to DDS even if the court transmits the conviction/withdrawal electronically. When mailing documents, please do not use staples to attach papers; paper clips are preferable.

All documents being mailed to the Georgia Department of Driver Services by the courts should be sent to:

**Georgia Department of Driver Services
Customer Service, Licensing and Records Division
P.O. Box 80447
Conyers, GA 30013**

First Offender Treatment

O.C.G.A. §42-8-60, et seq.; §16-13-2; §3-3-23.1

Traffic Cases

First Offender status granted in cases related to the operation of a motor vehicle will not prevent the imposition of the applicable driver's license suspension or revocation. See *Salomon v. Earp*, 190 Ga. App. 405, 379 S.E.2d 217; 1989 and O.C.G.A. §40-6-391(f).

If a traffic offense is reported to DDS that mandates the suspension of the driver's license or privilege, and the defendant has been granted "First Offender" status, the driver's license will still be suspended or revoked as required by law.

Please note that O.C.G.A. §40-6-391(f) specifically prohibits first offender status for persons convicted of Driving Under the Influence.

Drug and Under-21 Alcohol Cases (including Conditional Discharges)

Defendants charged with drug offenses or underage alcohol offenses may avoid the applicable license suspension if granted first offender treatment. Courts should NOT report drug or under-21 alcohol cases in which first offender status (or conditional discharge) is granted unless:

- the court is suspending the defendant's license as a condition of probation,
- the defendant fails to complete the terms of probation (that is, he or she 'violates') , or
- the defendant was convicted of DUI of Drugs in violation of O.C.G.A. §§40-6-391(a)(2), (a)(3), (a)(4), or (a)(6).

Appeals

O.C.G.A. §40-13-33

Any challenge to a misdemeanor conviction of any of the traffic laws of this state or the traffic laws of any county or municipal government which may be brought pursuant to Chapter 14 of Title 9 must be filed within 180 days of the date the conviction becomes final.

Failure to file the challenge within the time prescribed in this Code section shall divest the court of jurisdiction.

A notice of appeal will not, in any way, limit the administrative actions of DDS. If the defendant appeals a conviction, the conviction must still be reported to DDS within 10 days of the disposition. See *Wells v. State*, 212 Ga. App. 15, 440 S.E.2d 692 (1994). If the conviction is overturned on appeal, DDS will amend the defendant's driving record appropriately.

Pleas of *Nolo contendere*

Courts should note that in many places in this document pleas of *nolo contendere* are discussed. In these instances, the text may indicate ‘Yes’ or ‘Not accepted; shall be treated as a conviction.’ This should not be construed to indicate that the court cannot, or should not, accept a plea of *nolo contendere* to a particular charge. This document simply indicates how the plea will be treated by DDS for the purposes of taking administrative actions against the driving privileges of the licensee. It is incumbent upon the court to determine in which cases it can or cannot, or will or will not, accept a plea of *nolo contendere*.

Moving traffic violations are defined in O.C.G.A. §40-5-57(c)(1)(A) and Ga. Admin. Comp. Ch. 375-3-3-.01. DDS will accept one plea of *nolo contendere* for a moving traffic violation in any five year period without assigning points to the driving record. Subsequent pleas of *nolo contendere* will result in the assessment of points against the driving record, even for a different offense. For example, if a defendant pleads *nolo* for improper turning and does not have any previous *nolo* pleas for a moving violation in the past five years, DDS will record the violation onto the driving record without assessing points. If, one year later, the same defendant pleads *nolo* for failure to maintain lane, DDS will record the violation onto the driving record and will assess points. This process does not impact the treatment of pleas of *nolo contendere* for an offense for which DDS will suspend the license.

Please note, a plea of *nolo contendere* by a person under 21 years of age is considered a conviction, and the driver’s license will be suspended for convictions of listed offenses. O.C.G.A. §40-5-57.1(a).

Notice of Suspension and Surrender of Driver’s Licenses

Notice of Suspension shall be provided by the court to those defendants whose conviction(s) will generate a mandatory suspension or revocation. See O.C.G.A. §40-5-54(b) and the suspension list within the “*Suspensions and Disqualifications Taken by DDS*” section.

If the defendant is unable to surrender his or her driver’s license to the court on the date of disposition, the court should complete a Lost License Affidavit (DS-250A form) and submit the affidavit in lieu of the defendant’s driver’s license.

When the defendant is served on a DS-1190 for anything other than Habitual Violator (For Habitual Violator use DS-1189 or DS-1030 forms), the driver’s license or Lost License Affidavit (DS-250A) should be attached along with the notice of service. Only the notice of service and license should be mailed if the court is reporting the conviction electronically via the GECPS process. Please do not use staples when attaching documents to each other (paper clips are preferred).

Your assistance in providing this service will guarantee that each person whose license has been suspended or revoked will be immediately aware of his or her inability to operate a vehicle thereafter. The DDS prescribed form noting the surrender date of the license allows DDS to assign a surrender date for the suspended driver. And, it’s the law! See O.C.G.A. §40-5-54(b). Please serve them!

Calculating Eligibility for Reinstatement

If a defendant is convicted of an offense for which Georgia law mandates the suspension or revocation of the driver's license or privilege to drive by operation of law, the actual suspension of the license and/or privilege to drive becomes effective at the time of the conviction/disposition. However, for purposes of calculating eligibility for reinstatement, the following conditions apply:

For all dispositions prior to July 1, 2004

For the purpose of making any determination under O.C.G.A. §40-5-61 relating to the return of revoked or suspended licenses to drivers, no period of revocation or suspension shall begin until the license is surrendered to DDS or a court of competent jurisdiction, whichever date shall first occur. If the license is lost, or for any other reason surrender to DDS is impossible, the period of revocation or suspension may begin on the date of the DS-250A setting forth the date and reason for such impossibility. If neither license is surrendered nor the DS-250A submitted, DDS may consider the day after the expiration of the most recently issued license as the surrender date.

For all dispositions on or after July 1, 2004 - O.C.G.A. §40-5-61(e)

Whichever of the following three events **occurs first** will determine when the DDS will begin calculating the customer's eligibility for reinstatement:

DISPOSITION DATE if the most recently issued license was surrendered to the court, or a DS-250A Lost License Affidavit was completed, at the time of disposition.

SURRENDER DATE of the license **after** disposition but prior to DDS processing the conviction. This date will be used if the most recently issued license is surrendered to the court or DDS, or the licensee completes a DS-250A Lost License Affidavit and gives it to the court or DDS, prior to DDS processing the conviction onto the record.

PROCESS DATE of the citation or conviction by DDS.

In this event, the defendant did not surrender their most recently issued license and did not submit a lost license affidavit to the court on the date of the disposition or to DDS thereafter.

“Zero-Point” Orders

O.C.G.A. §40-5-57(c)(1)(C)

- A “Zero-Point Order” is a transaction between the court and the licensee that is reported to DDS.

The court may order a defendant to attend a driver improvement clinic approved by DDS for any points-bearing violation. The court may also accept a defendant’s original certificate of completion from a DDS approved Defensive Driving Course after the issuance of a citation. If the court orders or accepts a certificate of completion, the fine shall be reduced by 20%. The disposition and court order shall be reported to DDS, by **INDICATING ON THE ORDER OR ON THE CITATION THAT YOU ARE MAKING A “ZERO POINT” REQUEST FOR THE VIOLATION.** For convictions reported electronically, there is a way to indicate that a Zero-Point order applies. Vendors will show court personnel how to do this (usually a check box on the data entry screen). Courts DO NOT need to mail the certificate of completion to DDS, but should verify that the date of completion is after the date of violation.

The disposition will still post on the driver’s record. However, no points will be assessed for the violation. This procedure may be used once every 5 years measured from date of arrest to date of arrest, in accordance with O.C.G.A. §40-5-57(c)(1)(C).

Zero-Point orders should not be submitted for Out-of-State drivers. DDS does not assign points to the license of an out-of-state driver and cannot guarantee that the State of Record will honor the order or take the same actions based on it. The defendant should contact the licensing authority of his or her home state to determine what action, if any, it will take upon the submission of a Defensive Driving Course certificate of completion. DDS will not forward a certificate or indication of the zero-point order to the State of Record.

“Points Reductions”

O.C.G.A. §40-5-86

- A “Points Reduction” is a transaction between a licensee and DDS.

O.C.G.A. §40-5-86:

“Upon the accumulation of points pursuant to O.C.G.A. §40-5-57, the total number of points accumulated by any driver shall be reduced by seven points, but to not less than zero points, upon the satisfactory completion by such driver of a DDS approved defensive driving course and the submission of such certificate by such driver to the department. The provisions of this Code section shall be available one time only to each driver in any five-year period.”

A Points Reduction can be granted within the same 5 year period as a Zero-Point Order. However, once an individual’s driver’s license has been suspended based on the assessment of points, the suspension will not be stayed or amended if the person applies for a “point reduction” under O.C.G.A. §40-5-86.

Court-Ordered Suspensions

O.C.G.A. §17-10-3

If the court wishes to suspend the driver's license as a condition of probation, the driver's license (or the DS-250A Lost License Affidavit) should accompany the citation and the notice of suspension form (DS-1190) if submitted by mail. Please note that a court suspension of a driver's license other than that which is mandated by statute must contain the following phrase:

- “As a condition of probation, the driver's license is suspended for a period of _____.” (Fill in the blank with the length of time you wish to suspend the license, not to exceed the term of probation).

This suspension will become effective on the date of disposition, in addition to any other suspension(s) generated by DDS.

If the court reports electronically, vendors should provide a ‘check-box’ or other method of reporting a court-ordered suspension and the duration (please contact your vendor for more information). The court should then mail the license and the notice of suspension form (DS-1190) to DDS, but SHOULD NOT mail the citation/conviction form or order.

If the court wishes to suspend the driver's license beyond the time which is required by law, the court must indicate a specific duration or end date. Because the suspension is part of probation, it must not be ordered for any period longer than that which the defendant will be on probation. See *Brock v. State*, 165 Ga. App. 150, 299 S.E.2d 71 (1983).

Procedures for Changing or Modifying Dispositions

O.C.G.A. §40-13-32 and O.C.G.A. §40-13-33 will be strictly enforced

Any change the court desires can be made within 90 days after disposition. The court has two options for submitting this request:

- A request in writing on official court letterhead. The letter should list the defendant's name, date of birth, driver's license number (if available), court case number, citation number (if available), the original charge(s), and the amended charge(s). Court forms or orders will not be accepted in lieu of the request on official court letterhead.

OR

- DS-1195 Court Correction Form

If a change is requested after 90 days and before 180 days from the date of the disposition, the procedures outlined in O.C.G.A. §40-13-32 must be followed. The court has two options for submitting this request:

- A request in writing on official court letterhead, listing all of the defendant's information mentioned above; AND
- Proof of the following:
 - A motion to change or modify the sentence or judgment must be made by the defendant to the court rendering the judgment within 180 days from the date of disposition.
 - Notice, including a copy of the motion and rule nisi, must be given to the prosecuting official who brought the original charge(s) at least ten (10) days prior to the motion hearing.
 - A hearing must be held with opportunity for the State to be heard.

OR

- DS-1195 Court Correction Form

If the change is requested 180 days or later after the conviction date, the court no longer has subject matter jurisdiction pursuant to O.C.G.A. §40-13-33, and the DDS cannot change the defendant's driving record. However, if the records of DDS do not reflect the correct judgment rendered at the time of the original disposition due to a clerical error, no time limits apply and any changes necessary to reflect the true and accurate judgment at the time of disposition can be made. The court has two options for submitting this request:

- A request in writing on official court letterhead listing all of the defendant's information mentioned above

OR

- DS-1195 Court Correction Form

Note: The DS-1195 Court Correction Form is not printed and mailed to the courts like the other forms that DDS provides. It can be sent to the courts electronically or by fax. Please contact any person listed in the back of this manual and they can provide you with a copy. Soft copies are also available, allowing the court to complete the form on the computer and print it out to sign, certify, and fax to DDS.

Mandatory Suspensions for Drivers Under 21 Years of Age

O.C.G.A. §40-5-57.1

The offenses covered in this section have a different effect when committed by those defendants who are under 21 years of age at the time of conviction. These offenses are:

- Hit and run or Leaving the scene of an accident, O.C.G.A. §40-6-270
- Racing on highways or streets, O.C.G.A. §40-6-186
- Using a motor vehicle in fleeing or attempting to elude an officer, O.C.G.A. §40-6-395
- Reckless driving, O.C.G.A. §40-6-390
- Any offense for which four or more points are assessable under O.C.G.A. §40-5-57(c), which includes;
 - Improper passing on a hill or a curve, O.C.G.A. §40-6-45(a)(1)
 - Unlawful passing of a school bus, O.C.G.A. §40-6-163
 - Exceeding the speed limit by 24 mph or more, O.C.G.A. §40-6-181
 - Aggressive driving, O.C.G.A. §40-6-397
- Purchasing an alcoholic beverage, O.C.G.A. §3-3-23 (a) (2)
- Misrepresenting age for purpose of illegally obtaining any alcoholic beverage, O.C.G.A. §3-3-23 (a) (3)
- Misrepresenting identity or using false identification for purpose of purchasing or obtaining any alcoholic beverage, O.C.G.A. §3-3-23 (a) (5)
- Driving Under the Influence, O.C.G.A. §40-6-391
- Accumulation of 4 or more points in any 12 month period by a person under the age of 18
- Possession of alcoholic beverages while operating a motor vehicle, O.C.G.A. § 3-3-23(a)(2)

Note: Pursuant to O.C.G.A. 40-5-57.1(d), a suspension shall be imposed based on the person's age on the date of the conviction giving rise to the suspension.

Suspension Details for all non-alcohol and non-DUI related offenses above:

Court responsibilities upon conviction or plea of *nolo contendere*:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Serve the defendant with notice of suspension using the official DS-1190 form.
- Report the disposition electronically within 10 days after conviction.
- Mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

First Adjudication

Plea of *nolo contendere* - Not accepted; shall be treated as a conviction.

Suspension – Yes; 6 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved Defensive Driving Course;
- If ordered by the court, submit an original certificate of completion of a DDS

- approved DUI Alcohol or Drug Use Risk Reduction Program and;
- Remit a \$210.00 reinstatement fee (or \$200.00 if applied for by mail).

Second or Subsequent Adjudication(s)

Plea of *nolo contendere* - Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved Defensive Driving Course;
- If so ordered by the court, submit an original certificate of completion of a DDS approved Alcohol/Drug Use Risk Reduction Program;
- Remit \$310.00 reinstatement fee (or \$300.00 if applied for by mail).

Driving Under the Influence (under 21 Years of Age)

O.C.G.A. §40-6-391

Court Responsibilities upon conviction or plea of *nolo contendere*:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Report the disposition electronically within 10 days after disposition.
- Mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

First Adjudication (Within 5 years) if:

- The Blood Alcohol Concentration (BAC) was equal to or greater than .02 grams, but less than 0.08 grams; or,
- No Test was given; or,
- The Test Results were suppressed.

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 6 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if applied for by mail).

First Adjudication (Within 5 years) with a previous suspension pursuant to O.C.G.A. § 40-5-57.1:

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

First Adjudication (Within 5 years) provided that:

- Blood Alcohol Concentration (BAC) 0.08 grams or greater; or,
- Implied Consent Refusal (defendant did not comply with the request for state administered chemical test).

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if applied for by mail).

Second Adjudication (Within 5 years)

Same as for an adult – See “*Driving Under the Influence Section*”

Third Adjudication (Within 5 years)

Habitual Violator Declaration – See “*Habitual Violator Section*”

Fourth Adjudication or Subsequent (Within 10 years)

Felony Conviction, Same as for an adult – See “*Driving Under the Influence Section*”

Substantial changes to these consequences will go into effect on January 1, 2013 with the implementation of Senate Bill 236 (2012). This legislation modifies O.C.G.A. §40-5-57.1 relating to the license suspensions for teens age 16-20:

1st in 5 (low/no BAC): 6 month suspension

1st in 5 (BAC .08+): 12 month suspension

2nd in 5: 18 month suspension with interlock permit eligibility after 120 days

3rd in 5: 5 year HV revocation

Additionally, the bill adds O.C.G.A. 40-5-57.1 to the list of suspensions for which a clinical evaluation is required for reinstatement of a suspension triggered by a “2nd in 10” DUI conviction.

Under 21 Alcohol-Related Offenses (excluding DUI)

O.C.G.A. §3-3-23(a)(2) states that, “No person under 21 years of age shall purchase, attempt to purchase, or knowingly possess any alcoholic beverage.”

For all convictions under O.C.G.A. §3-3-23, the court may, as part of its ruling, order the defendant to complete a DUI Alcohol or Drug Use Risk Reduction Program prescribed by the Department of Driver Services within 120 days of such conviction or sentence. O.C.G.A. §3-3-23.1(f).

If the defendant was ordered by the court to complete a DUI Alcohol or Drug Use Risk Reduction

Program within 120 days, and he/she fails to do so, the court then has the option of notifying DDS of its desire to impose a court-ordered suspension. The court-ordered suspension will remain in effect for the time period specified unless the court notifies DDS to remove it from the driver's record.

Purchasing an alcoholic beverage by a person under 21 years of age

O.C.G.A. §§3-3-23(a)(2) and 40-5-57.1

Report to DDS as 3-3-23A2A

First Adjudication

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 6 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved Defensive Driving Course;
- If so ordered by the court, submit an original certificate of completion from a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (\$200.00 if applied for by mail).

Second or Subsequent Adjudication(s)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion from a DDS approved Defensive Driving Course;
- If so ordered by the court, submit an original certificate of completion from a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a reinstatement fee of \$310.00 (\$300.00 if applied for by mail).

Attempting to purchase an alcoholic beverage by a person under 21 years of age

O.C.G.A. §§3-3-23.1(b)(3) and 40-5-63(f)

Report to DDS as 3-3-23A2B

First Adjudication

Plea of *nolo contendere* – Yes. If court accepts a plea of *nolo contendere*, do not report to DDS.

Suspension upon conviction – Yes; 6 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Remit a \$35.00 reinstatement fee (or \$25.00 if reinstatement is applied for by mail);
- If so ordered by the court, submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program.

Second or Subsequent Adjudication(s)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Remit a \$35.00 reinstatement fee (or \$25.00 if reinstatement is applied for by mail);
- If so ordered by the court, submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program.

Possession of an Alcoholic Beverage by a Person Under 21 Years of Age While Operating a Motor Vehicle

O.C.G.A. §§3-3-23(a)(2) and 40-5-63(e)

Report to DDS as 3-3-23A2C

Plea of *nolo contendere* – Yes; If court accepts a plea of *nolo contendere* do not report to DDS.

Suspension upon conviction – Yes; 120 day period beginning on the effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a reinstatement fee of \$35.00 (or \$25.00 if reinstatement is applied for by mail).

Possession of an Alcoholic Beverage by a Person Under 21 Years of Age

O.C.G.A. §§ 3-3-23(a)(2); 3-3-23.1 (f)

Plea of *nolo contendere* – Yes; If court accepts a plea of *nolo contendere*, do not report to DDS.

Conviction(s)

A conviction for simple Underage Possession of Alcohol will not, in and of itself, generate a suspension and should not be reported to DDS. If it is reported, DDS will assume that it is a charge of possession of an alcoholic beverage by a person under the age of 21 while operating a motor vehicle and will take the appropriate action described in this section.

However, the court does have the authority, as a matter of probation, to:

- issue a court-ordered suspension at the time of disposition (the court should notify DDS when it reports the disposition).
- in accordance with O.C.G.A. §3-3-23.1(f), order the defendant to complete a DDS approved DUI Alcohol or Drug Use Risk Reduction Program within 120 days of conviction (the court should **not** notify DDS at the time of disposition, but should subsequently submit a report of the disposition and the court-ordered suspension if the defendant does not complete the program within 120 days).

Misrepresenting Age or Identity to Obtain Alcohol, or Using False Identification to Purchase Alcohol

O.C.G.A. §§ 3-3-23(a)(3), 3-3-23(a)(5), and 40-5-57.1

First Adjudication

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 6 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved Defensive Driving Course;
- If so ordered by the court, submit an original certificate of completion from a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (\$200.00 if applied for by mail).

Second or Subsequent Adjudication(s)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 12 month period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion from a DDS approved Defensive Driving Course;
- If so ordered by the court, submit an original certificate of completion from a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a reinstatement fee of \$310.00 (\$300.00 if applied for by mail).

Habitual Violator

Habitual Violator Contributors

Convictions and/or *nolo contendere* pleas arising from a single incident or separate incidents to any three of the following violations within a 5-year period, as measured from date of arrest to date of arrest for which convictions were obtained, will cause the violator to be declared an Habitual Violator in accordance with O.C.G.A. §40-5-58:

- Homicide by Vehicle (1st Degree) as defined by O.C.G.A. §40-6-393 (a) or (b)
- Homicide by Vehicle (2nd Degree) as defined by O.C.G.A. §40-6-393 (c)
- Any felony in the commission of which a motor vehicle is used
- Hit & Run – Leaving the scene of an accident as defined by O.C.G.A. §40-6-270
- Racing on Highways or Streets as defined by O.C.G.A. §40-6-186
- Using a Motor Vehicle in Fleeing or Attempting to Elude an Officer as defined by O.C.G.A. §40-6-395
- Unlawful or Fraudulent Use of or Application for a License or ID Card as defined by O.C.G.A. §40-5-120, O.C.G.A. §40-5-125
- Operating a Motor Vehicle with a Revoked, Canceled, or Suspended Registration as defined by O.C.G.A. §40-6-15
- Any felony forgery conviction if related to an identification document (§40-5-54)
- Driving Under the Influence, Child Endangerment while DUI as defined by O.C.G.A. §40-6-391; §40-6-391(l)
- Feticide by Vehicle (1st Degree) as defined by O.C.G.A. §40-6-393.1 (a) (1)
- Serious Injury by Vehicle as defined by O.C.G.A. §40-6-394

Under O.C.G.A. §40-5-1, "Conviction" means a forfeiture of bail or collateral deposited to secure a defendant's appearance in court, the payment of a fine, a plea of guilty, or a finding of guilt on a traffic violation charge, regardless of whether the sentence is suspended, probated, or rebated.

All judges of all courts having jurisdiction of the offenses listed above should, at the time of final disposition for a first or second conviction, give notice to the defendant of the suspension of their driver's license by using the DS-1190 form.

The court should forward the notice of suspension and the defendant's driver's license to DDS within 10 days of the date of conviction.

Two previous convictions of those offenses listed above and a conviction of the current charge of one of these violations before the court within a five year period will result in the defendant being an Habitual Violator (O.C.G.A. §40-5-58). The court should perform declaration and service at the time of conviction using DS-1189 (HV Declaration and Service Form).

Note: An Habitual Violator revocation will not age off of the driving record, but will remain in effect until the licensee has paid a reinstatement fee and met all other requirements. A licensee who was declared an Habitual Violator because of three (3) or more convictions within a 5-year period under O.C.G.A. §40-6-391 must attend a DDS approved DUI Alcohol or Drug Use Risk Reduction Program.

A charge of "Habitual Violator" or "Habitually Impaired Driver" would not be an appropriate charge if the five-year revocation generated by this classification has expired.

Probationary Licenses for Habitual Violators

O.C.G.A. §40-5-58

A person who has been declared a habitual violator and who has had his or her driver's license revoked for a period of five years may, after two years have expired since the date on which such person's license was surrendered or an affidavit was accepted as provided in subsection (e) of O.C.G.A. §40-5-61, be issued a probationary driver's license for a period of time not to exceed three years upon compliance with the following conditions:

- (A) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of violating any provision of Chapter 5 or Chapter 6 of Title 40 (O.C.G.A.) or any local ordinance relating to the movement of vehicles for a period of two years immediately preceding the application for a probationary driver's license;
- (B) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of a violation of any provision of Chapter 5 or Chapter 6 of Title 40 (O.C.G.A.) which resulted in the death or injury of any individual;
- (C) Such person has successfully completed, prior to the issuance of the probationary driver's license, a defensive driving course or a DUI Alcohol or Drug Use Risk Reduction Program approved and certified by the Department of Driver Services;
- (D) Such person has not been convicted, or pleaded *nolo contendere* to a charge, of violating any provision of Title 3, relating to alcoholic beverages, or of violating any provision of Chapter 13 of Title 16, relating to controlled substances;
- (E) Such person shall submit a sworn affidavit that such person does not excessively use alcoholic beverages and does not illegally use controlled substances or marijuana. It shall be a misdemeanor to falsely swear on the affidavit and, upon such a conviction, the probationary license shall be revoked. No probationary license shall be issued during the remainder of the revocation period, and no driver's license shall be issued for the remainder of the original revocation period or for a period of two years from the date of conviction pursuant to this condition;
- (F) Such person submits proof of financial responsibility as provided in Chapter 9 of Title 40 (O.C.G.A.) (form SR22); and
- (G) Such person shall maintain an Ignition Interlock Device on any vehicle such person operates for a minimum of six months immediately following the issuance of an HV probationary license, if the HV declaration is based upon two or more convictions under O.C.G.A. §40-6-391.
- (H) Refusal to issue a probationary driver's license would cause extreme hardship to the applicant. For the purposes of this condition, the term "extreme hardship" means that the applicant cannot reasonably obtain other transportation, and, therefore, the applicant would be prohibited from:
 - Going to his place of employment or performing the normal duties of his occupation;
 - Receiving scheduled medical care or obtaining prescription drugs;

- Attending a college or school at which he is regularly enrolled as a student;
- Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by DDS; or
- Attending under court order any driver education or improvement school or alcohol or drug treatment program or course approved by the court which entered the judgment of conviction resulting in revocation of his driver's license or by DDS.

Application for a probationary driver's license shall be made upon such forms as DDS may prescribe. Such forms shall require such information as is necessary for DDS to determine the need for such license. The applicant shall sign all applications before a person authorized to administer oaths.

Upon compliance with the above conditions and the payment of a fee of \$210.00 (or \$200.00 when processed by mail) such person may be issued a probationary driver's license by DDS. A probationary driver's license shall be endorsed with such conditions as DDS deems necessary to ensure that such license will be used by the licensee only to avoid the conditions of extreme hardship. Such conditions may include the following restrictions:

- Specific places between which the licensee may be allowed to operate a motor vehicle;
- Routes to be followed by the licensee;
- Times of travel;
- The specific vehicles which the licensee may operate; and
- Such other restrictions as DDS may require.

A probationary driver's license issued pursuant to this provision shall become invalid upon the expiration of the period of the suspension or revocation of the driver's license of such person.

Note: If the Habitual Violator revocation is based upon two or more convictions under O.C.G.A. §40-6-391, the HV Probationary License will be restricted to include the use of an Ignition Interlock Device for the first six months following issuance for any vehicle the driver operates. The defendant must complete a clinical evaluation and, if indicated, must complete a substance abuse treatment program approved by the Georgia Department of Human Services.

Offenses Common to Habitual Violators

Felonies:

Felony Habitual Violator: Driving while declared and served as an habitual violator during the 5-year revocation. O.C.G.A. §40-5-58.

Habitual Impaired Driver: Driving while declared and served as an habitual violator (classification based on three or more DUI convictions) and charged with any traffic offense. O.C.G.A. §40-5-58(c)(2).

Probationary License Violation: A conviction of any violation under O.C.G.A §40-5-54 or O.C.G.A §40-6-391.

Misdemeanors:

Probationary License Violation: A conviction of any violation other than those listed in O.C.G.A §40-5-54 or O.C.G.A §40-6-391.

Misdemeanor Habitual Violator: A conviction of this offense after the expiration of the 5-year period of revocation. O.C.G.A §40-5-58 (c).

Mandatory Suspensions

O.C.G.A. §§ 40-5-54, 40-5-63

The following section describes the administrative actions taken against the driving privileges of an individual for a conviction of a 'mandatory suspension' listed in O.C.G.A. 40-5-54. First addressed are adjudications in a five year period. Reinstatement requirement for all offenses listed, as well as treatment for second and third adjudications, are described in detail on the following.

Court Responsibilities for First/Second adjudication of any of these Mandatory Suspensions:
Upon conviction, or plea of *nolo contendere* when it is not accepted by DDS, the court shall:

- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically within 10 days after disposition and mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

Any felony in the commission of which a motor vehicle is used

Plea of *nolo contendere* - Yes, if the defendant is at least 18 years of age at time of disposition.

Suspension upon conviction - Yes; 120 day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 1 year from date of issuance, renewable.

Fraudulent or Fictitious Use of or Application for a License or ID Card

O.C.G.A. §§40-5-120 or 40-5-125

Plea of *nolo contendere* - Yes, if the defendant is at least 18 years at the time of disposition and has no previous mandatory suspensions within 5 years.

Suspension upon conviction - Yes; 120 day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 1 year from date of issuance, renewable.

Operating a Motor Vehicle with a Revoked, Cancelled, or Suspended Registration

O.C.G.A. §40-6-15

Plea of *nolo contendere* - Not accepted; shall be treated as a conviction.

Suspension - Yes; 120 day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 1 year from date of issuance, renewable.

Racing on Highways or Streets

O.C.G.A. §40-6-186

Plea of *nolo contendere* - Yes, if the defendant is at least 21 years at the time of disposition and has no previous mandatory suspensions within 5 years. Suspension upon conviction - Yes; 120 day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 1 year from date of issuance, renewable.

Hit & Run/Leaving the Scene of an Accident

O.C.G.A. §40-6-270

Plea of *nolo contendere* - Not accepted; shall be treated as a conviction.

Suspension - Yes; 120 day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 1 year from date of issuance, renewable.

Felony Forgery violation related to an Identification Document

O.C.G.A. §16-9-1 16-9-2, or 16-9-4

Plea of *nolo contendere* – Yes, if the defendant is at least 21 years at the time of disposition and has no previous mandatory suspensions within 5 years.

Suspension – Yes; 120 day period beginning on effective date.

Limited Driving Permit – Yes - \$25, valid for 1 year from date of issuance, renewable.

Homicide by Vehicle (2nd Degree)

O.C.G.A. §40-6-393 (c)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension upon conviction – Yes; 120 day period beginning on effective date.

Limited Driving Permit – Yes - \$25, valid for 1 year from date of issuance, renewable.

Using a Motor Vehicle in Fleeing or Attempting to Elude an Officer

O.C.G.A. §40-6-395

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 120 day period beginning on effective date.

Limited Driving Permit – Yes - \$25, valid for 1 year from date of issuance, renewable.

FOR ALL OFFENSES ABOVE:

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved defensive driving clinic;
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is applied for by mail).

FOR A SECOND ADJUDICATION IN FIVE YEARS FOR ALL OFFENSES ABOVE:

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Yes; 120 day period beginning on effective date.

Please note: DUI conviction counts with the mandatories.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved defensive driving clinic or an Alcohol/Drug Use Risk Reduction Program;
- Remit a \$310.00 reinstatement fee (or \$300.00 if reinstatement is applied for by mail).

Homicide by Vehicle (1st Degree)

O.C.G.A. §40-6-393 (a)

AND

Serious Injury by Vehicle

O.C.G.A. §40-6-394

First or Second Adjudication in Five Years

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Yes; 3 year period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements: None – ages off the record.

FOR A THIRD ADJUDICATION IN FIVE YEARS FOR ALL OFFENSES ABOVE:

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Defendant shall be declared an Habitual Violator – See “*Habitual Violator Section*” for information.

Court Responsibilities for Third Convictions of any above-referenced Mandatory Offense within 5 years;

Upon conviction:

- The court shall seize the defendant’s driver’s license or complete an official Lost License Affidavit (DS-250A form),
- The court should declare and serve the defendant Habitual Violator by using the official court notice of Habitual Violator (DS-1189 form),
- The court should submit the conviction electronically to DDS within 10 days following disposition. The driver’s license or Lost License Affidavit must be submitted by mail.

Driving Under the Influence

O.C.G.A. §40-6-391

First Conviction (Within 5 years)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 120 day period beginning on effective date.

Limited Driving Permit – Yes - \$25, renewable, valid for 1 year from date of issuance.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is processed by mail).

Upon a first conviction of DUI within 5 years, the court shall:

- Complete the official DUI Conviction Court Affidavit (DS-1126) and advise the defendant to present the form at the nearest DDS Customer Service Center for issuance of a limited permit. If the court does not complete a First DUI Conviction Court Affidavit, it should furnish the defendant with a certified copy of the Uniform Traffic Citation (face and reverse side showing the disposition). This certified copy may be used by DDS in lieu of the affidavit to issue the defendant a Limited Driving Permit.
- Serve the defendant with notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically to DDS within 10 days following disposition. Send the DS-1190 form and driver's license/Lost License Affidavit by mail to DDS.
- In accordance with HB 336, the Court may impose a clinical evaluation and completion of a substance abuse treatment program for a first conviction of O.C.G.A. § 40-6-391. It should be noted, at this time the DDS does not have the authority to impose this requirement as a condition of license reinstatement. As such, if the Court orders a clinical evaluation and treatment on a first DUI, it should be treated as a condition of probation.

Note: DDS is required by law to issue a limited permit if the defendant meets the legal qualifications for the issuance of this permit. The judge does not have discretion to grant or deny this permit, and the denial of a request for an Affidavit of First Conviction (Form DS-1126) merely delays the issuance of the permit. If the judge does not wish for the defendant to be permitted to drive during this period, then the defendant must be placed on probation with a condition of probation being the court-ordered suspension of the driving privilege. See Brock v. State, 165 Ga. App.150 (1983).

Second Conviction (Within 5 years)

Plea of *nolo contendere* - Not accepted; shall be treated as a conviction.

Suspension - Yes; 18 month period beginning on effective date.

Limited Driving Permit - Yes; provided, however, that the licensee will only become eligible for an Ignition Interlock Device (IID) Permit after serving a 12-month hard suspension. To be eligible for an IID Permit, the licensee must satisfy the following requirements:

- Submit an original certificate of completion of a DDS approved Alcohol or Drug Use Risk Reduction Program;
- Submit original certification of a Department of Human Resources (DHR) approved clinical evaluation;
- Submit official proof of enrollment in, or an original certificate of completion of, a DHR approved substance abuse treatment program, if so required by the clinical evaluation;
- Submit proof of Installation of an Ignition Interlock Device from a DDS approved vendor.
- Remit a \$25.00 permit fee.

Reinstatement Requirements (after 12 months hard suspension and 6 months IID permit):

- Provide proof that an ignition interlock device was maintained in a motor vehicle for a period of six months, without incident, pursuant to the conditions described above (not required for non-Georgia resident; instead, individual must serve an 18-month hard suspension), or
- Order from the sentencing court exempting the person from the requirements of an ignition interlock device because of undue financial hardship, and
- Show proof of completion of a substance abuse treatment program (if required by the clinical evaluation). If proof of completion was submitted prior to the issuance of the limited permit, no additional proof will be required for reinstatement of the license; and
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is processed by mail).

Upon a second conviction of DUI in 5 years, the court shall:

- Serve the defendant with notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically to DDS within 10 days following disposition. Attach the DS-1190 form and driver's license/Lost License Affidavit mail to DDS.
- See O.C.G.A. §40-6-391 and §40-2-136 for other conviction-based requirements not related to driver's licenses

Substantial changes to these consequences will go into effect on January 1, 2013 with the implementation of Senate Bill 236 (2012). This legislation modifies O.C.G.A. §§40-5-64 and 42-8-111, *et seq.*, to provide for issuance of an ignition interlock limited driving permit after the defendant has served a "hard" 120 day suspension. In order to be eligible for an ignition interlock limited driving permit, the defendant must be enrolled in clinical treatment or a DUI court program and obtain the permission of the court that handled the DUI conviction. The requirement for completion of a DUI Drug or Alcohol Use Risk Reduction program remains in place, and defendants must complete a clinical evaluation

before enrolling in treatment. Customers will hold an interlock permit for eight (8) months, then become eligible for a non-interlock permit for the remaining six (6) months of the suspension.

Third Conviction (Within 5 years)

Third Conviction (Within 5 years)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Defendant shall be declared a Habitual Violator after 3 convictions within a 5 year timeframe – See “Habitual Violator Section” for information

Limited Driving Permit – See “Habitual Violator Section” for information

Suspension

In addition to the sanctions imposed upon a third conviction, a defendant who is convicted for a fourth violation under O.C.G.A. §40-6-391 while declared and served as a Habitual Violator will be subject to the charges of Habitual Violator (or Driving with a Revoked License) and DUI.

Fourth or Subsequent Conviction (Within 10 years)

In 2008, the General Assembly passed HB 336 creating Felony conviction for a 4th DUI in a 10 year timeframe.

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – For the purposes of calculating the 10 year period, the timeframe is measured from dates of previous arrests for which convictions were obtained or pleas of *nolo contendere* are accepted. For the defendant to be charged with Felony DUI, all four offenses must have been committed on or after January 1, 2008. If any of the defendant’s DUI convictions were committed prior to January 1, 2008, then the fourth or subsequent conviction shall be a misdemeanor of a high and aggravated nature. Please see chart below to determine if the felony provisions shall be considered.

Limited Driving Permit – No.

<i>DUI Arrest (with Convictions) prior to 7/1/08</i>	<i>DUI Arrest (with Convictions) on or after 7/1/08</i>	<i>Is 4th conviction in 10 years a Felony DUI?</i>
3	1	No
2	2	No
1	3	No
0	4	Yes

It is the responsibility of the convicting court to submit the conviction as O.C.G.A. §40-6-391(c)(4) if appropriate (4th DUI). If submitted, this legal code will be accepted, and the description associated with it will appear as FELONY DUI on GCIC inquiry and MVRs. Citation processing will not attempt to verify that the offence is actually the 4th DUI.

Endangering a Child While Driving Under the Influence

O.C.G.A. §40-6-391(l).

A person who is convicted of or pleads *nolo contendere* to an offense under O.C.G.A. §40-6-391(a) while transporting in a motor vehicle a child under the age of 14 years is guilty of the separate offense of endangering a child by driving under the influence of alcohol or drugs. The offense of endangering a child by driving under the influence of alcohol or drugs shall not be merged with the offense of driving under the influence of alcohol or drugs for the purposes of prosecution and sentencing. An offender who is convicted of this violation shall be punished in accordance with the provisions of subsection (d) of O.C.G.A. §16-12-1, relating to the offense of contributing to the delinquency, unruliness, or deprivation of a child.

Note: A conviction of §40-6-391(l) should be reported in addition to the conviction for §40-6-391. Both convictions will go on the record and the driver will automatically go under the equivalent of a 2nd DUI conviction in 5 years. If there are two children under the age of 14 in the vehicle and the driver is convicted of 1 count of 40-6-391 and 2 counts of 40-6-391(l), all three should be reported to DDS and the driver will automatically go under an Habitual Violator Revocation. If this occurs, or if there were previous habitual violator contributors on the driving record, the court shall seize the driver's license and declare and serve them as an Habitual Violator.

See Dozier v. Jackson, 282 Ga. App. 264 (2006).

Suspensions Pursuant to an Implied Consent Refusal

O.C.G.A. §40-5-55 and O.C.G.A. §40-5-67.1

These suspensions go onto a driving record when, upon being charged with Driving Under the Influence, the arresting officer completes a DS-1205 form and sends it to DDS indicating that the driver refused to comply with the Implied Consent laws of Georgia by not submitting to a state administered chemical test of his or her blood, breath, urine or other bodily substances. The arresting agency should submit the driver's license to the DDS at the time the DS-1205 is submitted.

Suspension - Yes; 1 year period beginning on effective date.

Temporary/Limited Driving Permit - No.

Reinstatement Requirements:

- Suspension "ages off" of the record at the end of 1 year. No reinstatement fee required.

Note: Suspension time pursuant to an Administrative License Suspension {O.C.G.A. §40-5-67.1} shall be counted toward fulfillment of any period of suspension subsequently imposed as a result of a conviction of violating O.C.G.A. §40-6-391 that arises out of the same violation for which the Administrative License Suspension was imposed. See O.C.G.A. §40-5-67.2(b). Credit is not allowed for time served on a suspension resulting from a conviction toward satisfaction of an implied consent suspension. Credit for an implied consent suspension is not given toward a habitual violator revocation. In the event the person is acquitted of a violation of O.C.G.A. §40-6-391, or such charge is initially disposed of other than by a conviction or plea of nolo contendere, the ALS suspension will be terminated and deleted from the driver's license record. The defendant is responsible for contacting DDS to initiate this procedure. The court will be asked to provide DDS with a letter certifying that the DUI case was disposed of by means other than a conviction or plea of nolo contendere. This letter should indicate the customer identifiers (name/DOB/DLN/SSN) violation date, case/citation number, and final disposition status.

Administrative License Suspensions

O.C.G.A. §40-5-67.1 and §40-5-67.2

First Suspension

Suspension - Yes; minimum 30-day period beginning on effective date.

Limited Driving Permit - Yes - \$25, valid for 30 days from date of issuance, renewable every 30 days for \$5; available only in person from DDS Headquarters in Conyers.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is processed for by mail).

Note: Suspension time pursuant to an Administrative License Suspension {O.C.G.A. §40-5-67.1} shall be counted toward fulfillment of any period of suspension subsequently imposed as a result of a conviction of violating O.C.G.A. §40-6-391 that arises out of the same violation for which the Administrative License Suspension was imposed. See O.C.G.A. §40-5-67.2(b). Credit is not allowed for time served on a suspension resulting from a conviction toward satisfaction of an administrative suspension. Credit for an administrative license suspension is not given toward a habitual violator revocation. Furthermore, the original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program and the \$210 reinstatement fee submitted to DDS to reinstate the Administrative License Suspension may be applied toward the same requirements for the suspension arising from a criminal conviction for the same DUI violation. In the event the person is acquitted of a violation of O.C.G.A. §40-6-391, or such charge is initially disposed of other than by a conviction or plea of nolo contendere, the ALS suspension will be terminated and deleted from the driver's license record. The defendant is responsible for contacting DDS to initiate this procedure. The court will be asked to provide DDS with a letter certifying that the DUI case was disposed of by means other than a conviction or plea of nolo contendere. This letter should indicate the customer identifiers (name/DOB/DLN/SSN) violation date, case/citation number, and final disposition status.

Second Suspension (Within 5 years)

Suspension - Yes; minimum 18-month period beginning on the effective date.

Limited Driving Permit - No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is processed for by mail).

Third Suspension/Subsequent Suspensions (Within 5 years)

Suspension - Yes; 5 year period beginning on the effective date.

Limited Driving Permit - No. However, the licensee may make application for a probationary license pursuant to O.C.G.A. §40-5-58 after a minimum suspension period of 2 years.

Reinstatement Requirements

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Use Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if reinstatement is processed for by mail).

Arresting Officers Withdrawing Administrative License Suspension & Implied Consent

From Ga. Admin. Comp. Ch. 375-3-3-.04 concerning Departmental Hearings. Amended.

(6) Appeals of suspensions imposed pursuant to O.C.G.A. §40-5-67.1

(a) A filing fee of \$150 must be submitted to DDS at the time of the hearing request.

(b)(1) In hearings conducted pursuant to O.C.G.A. §40-5-67.1, the arresting law enforcement officer may act on behalf of DDS as the complainant.

(b)(2) Withdrawal of Suspension by Arresting Officer.

- i. The arresting officer may at his or her discretion withdraw the administrative license suspension at any time during the ten (10) business days following the issuance of the Form 1205 or Form 1205s.
- ii. If the licensee does not submit a request for a hearing, the suspension shall be upheld as the Final Decision of DDS by operation of law, and the arresting officer may not withdraw the administrative license suspension thereafter.
- iii. If the licensee requests a hearing within the statutorily allotted period for same, the arresting officer may withdraw the administrative license suspension at his or her discretion at any point prior to the issuance of the Final Decision by the Administrative Law Judge. Upon the issuance of the Final Decision, the arresting officer may not withdraw the suspension.

Violations of the Georgia Controlled Substance Act **(VGCSA) O.C.G.A. §40-5-75**

Article 2 of Chapter 13 of Title 16 is known as The Georgia Controlled Substance Act. The code sections are O.C.G.A. §16-13-20 through §16-13-56.

Misdemeanor Possession of Marijuana – Pleas of *nolo contendere*

DDS will accept a plea of *nolo contendere* to a misdemeanor possession of marijuana charge once every 5 years pursuant to O.C.G.A. §40-5-75(c).

Criteria:

- The defendant must be charged with misdemeanor possession of marijuana less than one ounce in violation of O.C.G.A. §16-13-30(j)(1) and sentenced under O.C.G.A. §16-13-2(b).
- The defendant must be over the age of 16.
- The defendant must not have any convictions or pleas of *nolo contendere* to any violations governed by O.C.G.A. §40-5-75 within the previous five years, as measured from dates of arrest.

The process:

The decision to accept a plea of *nolo contendere* to a misdemeanor charge of unlawful possession of marijuana less than one ounce shall be at the sole discretion of the judge. If the plea of *nolo contendere* is accepted, the judge shall:

1. Order the defendant to attend and complete a DUI Alcohol or Drug Use Risk Reduction Program. The order shall stipulate that the defendant shall complete such program and submit evidence of such completion to DDS within 120 days.
2. The record of the disposition of the case shall be forwarded to DDS within 10 days of the disposition.
3. The judge shall notify the defendant that if he/she fails to complete such program and fails to submit evidence of such completion to DDS within 120 days, his/her driver's license shall be suspended by operation of law.

The court shall return the driver's license to the defendant. DDS will place a pending suspension on the defendant's record that shall go into effect after 120 days if the certificate of completion is not submitted to DDS.

Conditional Discharge under O.C.G.A. §16-13-2(a)

Criteria:

Any person who has not previously been convicted of any offense under Article 2 or Article 3 of Chapter 13 of Title 16 or of any statute of the United States or of any state relating to narcotic drugs, marijuana, or stimulant, depressant, or hallucinogenic drugs. Discharge and dismissal under this Code section may occur only once with respect to any person.

The process:

1. The defendant pleads guilty or is found guilty of possession of a narcotic drug, marijuana, or stimulant, depressant, or hallucinogenic drug.
2. The court, without entering a judgment of guilt and with the consent of such person, defers further proceedings and places him or her on probation upon such reasonable terms and conditions as the court may require, preferably terms which require the person to undergo a comprehensive rehabilitation program, including, if necessary, medical

- treatment, not to exceed three years.
3. Nothing should be reported to DDS at this time. The defendant has been placed on probation and the proceedings have been deferred; therefore, there is no final disposition.

TWO POSSIBLE PATHS

Upon violation of a term or condition, the court may enter an adjudication of guilt and proceed accordingly. The conviction should then be reported to our department using either the uniform traffic citation or DS-1242. The disposition would either be “Pled Guilty” or “Found Guilty”. The defendant’s license and/or privilege to drive will then be suspended by operation of law.

OR

Upon fulfillment of the terms and conditions, the court shall discharge the person and dismiss the proceedings against him. Discharge and dismissal under this Code section shall be without court adjudication of guilt and shall not be deemed a conviction for purposes of this Code section or for purposes of disqualifications or disabilities imposed by law upon conviction of a crime. If the defendant is discharged and the charge is dismissed, DO NOT REPORT THE DISMISSAL TO DDS.

All VGCSA Convictions

****Including those situations described above when the final disposition entered is guilty****

Court Responsibilities for First/Second/Subsequent Convictions of Controlled Substance Violations within 5 years. Upon conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Seize the defendant’s driver’s license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically to DDS within 10 days following disposition and mail the DS-1190 form and driver’s license/Lost License Affidavit to DDS.

Pursuant to O.C.G.A. §40-5-75(i), all suspensions for a Controlled Substance violation committed on or after January 1, 2008 shall run consecutively to any other type of suspension on the record on the date of disposition. Therefore, if the defendant has active suspensions on their record and is convicted of a controlled substance violation, the controlled substance suspension will not become effective until all previously existing suspensions are reinstated or have aged-off. If the defendant has no active suspensions and is convicted of a controlled substance violation AND another mandatory suspension violation arising from the same incident, they will both run concurrently (at the same time) on the record. If the defendant has a controlled substance suspension in effect on their record, and is subsequently convicted of a non-controlled substance offense, that new suspension may run concurrently (at the same time) to the suspension in effect.

Any person who is not licensed in the state of Georgia at the time of disposition will become suspended upon conviction of a controlled substance violation. However, for the purpose of eligibility towards reinstatement, the time accrual will not begin unless/until they make application for reinstatement with the DDS. Anyone convicted of a controlled substance violation is urged to contact DDS directly after disposition to get information concerning a reinstatement application and their reinstatement eligibility.

First Conviction (within 5 years)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction (except for misdemeanor possession of marijuana as expressly described in this section).

Suspension - Yes; 180 day period beginning on effective date.

Limited Driving Permit – No

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Risk Reduction Program;
- Remit a \$210.00 reinstatement fee (or \$200.00 if processed by mail).

Second Conviction (Within 5 years)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension – Yes; 1 year period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Risk Reduction Program;
- Remit a \$310.00 reinstatement fee (or \$300.00 if processed by mail).

Third Conviction (Within 5 years)

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Yes; 5 year period beginning on effective date

Limited Driving Permit - Yes, but only after 2 years of a hard suspension if defendant:

- Has not been convicted or pleaded *nolo contendere* to any drug related offense, including driving under the influence, for a period of two years immediately preceding the application for a permit,
- Completes a licensed drug treatment program approved by DDS,
- Pays the permit fee of \$25,
- Submits proof of financial responsibility, and
- Meets all other departmental requirements.

Reinstatement Requirements:

- Submit an original certificate of completion of a DDS approved DUI Alcohol or Drug Risk Reduction Program; and,
- Remit a \$410.00 reinstatement fee (or \$400.00 if processed by mail).

Gasoline Drive Off

O.C.G.A. §§40-6-255 and 40-5-57.2

Plea of *nolo contendere* - Yes; if court accepts a plea of *nolo contendere*, do not report to DDS.

First Conviction: No suspension, **but the conviction should be reported to DDS so that appropriate action may be taken upon a second or subsequent conviction.**

Court Responsibilities upon a Second or Subsequent conviction:

- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically within 10 days after conviction.
- Mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

Second Conviction

Suspension - Yes; 6 month period beginning on the effective date.

Limited Driving Permit – No.

Reinstatement requirements:

- \$60.00 reinstatement fee (or when processed by mail, \$50.00)

Third or Subsequent Conviction

Suspension - Yes; 12 month period beginning on the effective date.

Limited Driving Permit – No.

Reinstatement requirements:

- \$60.00 reinstatement fee (or when processed by mail, \$50.00)

Super Speeder Law

O.C.G.A. -§40-6-189

In 2009, the General Assembly passed Senate Bill 160 enacting the “Super Speeder” Provisions. Effective January 1, 2010, all citations shall specify whether a speeding violation occurred on a two-lane road or highway. You may visit the DDS web-site to view the new version of the citation reflecting this change.

If one is convicted of traveling 85 MPH or more on any road or highway or 75 MPH or more on any two-lane road or highway, they shall be declared a ‘super speeder.’ DDS will impose a \$200.00 fee for any conviction that meets the classification of super speeder. If the licensee fails to pay the fee within 90 days, the license will be suspended. The licensee will thereafter have to pay a \$50.00 reinstatement fee.

Entering a plea of *nolo contendere* or a zero points order in the court will not avoid the imposition of the super speeder fee.

Multiple Convictions of Causing Serious Injury due of Right of Way Violations

O.C.G.A. §§ 40-6-77 and 40-5-57.3

In 2009, the General Assembly passed HB 196 creating O.C.G.A. § 40-5-57.3 with an effective date of July 1, 2009 and amended the definition of serious injury for the purposes of this Code Section.

First Conviction: No suspension, but the conviction should be reported to DDS so that appropriate action may be taken upon a second or subsequent conviction.

Court Responsibilities upon a Second or Subsequent conviction:

- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically within 10 days after conviction.
- Mail the DS-1190 form and drivers license/Lost License Affidavit to DDS.

Second or Subsequent Conviction

Plea of *nolo contendere* – Yes, considered a conviction;

Suspension - Yes; 30 days beginning on the effective date.

Limited Driving Permit – No.

Reinstatement requirements:

- \$60.00 reinstatement fee (or when processed by mail, \$50.00)

Driving Without a License (Unlicensed)

O.C.G.A. §40-5-20

In 2009, the General Assembly passed HB 196 which created an affirmative defense to this charge. If the defendant produces in court a valid driver's license issued by this state for the type/class of vehicle being driven at the time of the traffic stop, he/she shall not be guilty of such offense.

Court Responsibilities

- Forward fingerprints to GCIC for issuance of an identification number to track any future violations from same offender (also applies when plea of *nolo contendere* is accepted).
- Report all convictions or pleas of *nolo contendere* to DDS.

Fourth or Subsequent Conviction Within 5 Years becomes a felony charge

Limited Driving Permit – No

Driving While License Suspended or Revoked

O.C.G.A. §§40-5-121 or 40-5-75

Note: If a defendant's license is suspended as result of a Controlled Substance Violation, and he/she is convicted of driving while their license is suspended or revoked, the fine shall be not less than \$750.00 nor more than \$5,000.00, or imprisonment of not more than 12 months, or both. See O.C.G.A. §40-5-75(f).

First Conviction (Within 5 Years)

Plea of *nolo contendere* - Yes; only accepted by DDS once in any 5-year period; report to DDS.

Suspension if Convicted: Yes; 6 month period beginning on conviction date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Remit a \$210.00 reinstatement fee (or \$200.00 if processed by mail).

Court Responsibilities:

- Forward fingerprints to GCIC for issuance of an identification number to track any future violations from same offender (also applies when plea of *nolo contendere* is accepted).

Second and Third Conviction (Within 5 Years)

Plea of *nolo contendere* – Yes; only accepted by DDS once in any 5-year period; report to DDS.

Suspension if Convicted: Yes ; 6 month period beginning on conviction date.

Reinstatement Requirements:

- Remit a \$310 reinstatement fee (or \$300 if processed by mail) for second conviction.
- Remit a \$410 reinstatement fee (or \$400 if processed by mail) for third conviction.

Fourth or Subsequent Conviction (Within 5 Years) – Becomes a Felony charge

Plea of *nolo contendere* – Yes; only accepted by DDS once in any 5-year period; report to DDS.

Suspension if Convicted: Yes; 6 month period beginning on conviction date

Reinstatement Requirement:

- Remit a \$410 reinstatement fee (or \$400 if processed by mail)

No Insurance

O.C.G.A. §40-6-10 and O.C.G.A. §40-5-70

Convictions for no proof of insurance will result in a suspension. If the defendant presents proof of valid insurance at the time of the traffic stop for the vehicle and driver cited, the court may impose a fine not to exceed \$25 (plus applicable surcharges) and should NOT submit the conviction to DDS. If submitted to DDS, a license suspension will be imposed.

Court Responsibilities - Upon conviction, the court shall:

- Serve the defendant with the court notice of suspension using the official DS-1190 form.
- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Report the disposition electronically within 10 days after conviction.
- Mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

First Adjudication in Five Years

Plea of *nolo contendere* - Yes; only accepted by DDS once in any 5-year period; report to DDS.

Suspension upon conviction: Yes; 60 day period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Proof of having prepaid a six-month minimum insurance policy.
- Reinstatement fee of \$210.00 (or \$200.00 when processed by mail) to DDS

Second or Subsequent Adjudication in Five Years

Plea of *nolo contendere* – Not accepted; shall be treated as a conviction.

Suspension - Yes; 90 day period beginning on effective date.

Limited Driving Permit – No.

Reinstatement Requirements:

- Proof of having prepaid a six-month minimum insurance policy and maintain said policy for a three year period
- Reinstatement fee of \$310.00 (or \$300.00 when processed by mail) to DDS.

Points Suspensions

O.C.G.A. §40-5-57

The driver's license of any person who has accumulated 15 or more points, as measured by the offense date, in any consecutive 24-month period shall be suspended. **Not just the past 24 months, ANY 24-month period.** No points shall be assessed as provided in O.C.G.A. §40-5-57 for any violation committed by a non-resident.

First Assessment in Five Years

Suspension - Yes; 1 year period beginning on the effective date (early return available, see below).

Limited Driving Permit - Yes - \$25, , valid for 1 year from date of issuance, renewable.

Reinstatement requirements: Licensee may reinstatement immediately, provided that he/she:

- Submits an original certificate of completion of a DDS approved Defensive Driving Course;
- Remits a \$210.00 reinstatement fee (or \$200.00 if reinstatement is applied for by mail).

Second Assessment in Five Years

Suspension - Yes; 3 year period beginning on the effective date (early return available, see below).

Limited Driving Permit - Yes - \$25, valid for 1 year of issuance, renewable.

Reinstatement requirements: Licensee may reinstatement immediately, provided that he/she:

- Submits an original certificate of completion of a DDS approved Defensive Driving Course;
- Remits a \$310.00 reinstatement fee (or \$300.00 if reinstatement is applied for by mail).

Third Assessment in Five Years

Suspension - Yes; 2 year period beginning on the effective date, no early return available.

Limited Driving Permit - No.

Reinstatement requirements:

- Submits an original certificate of completion of a DDS approved advanced Defensive Driving Course;
- Remits a \$410.00 reinstatement fee (or \$400.00 if reinstatement is applied for by mail).

Points Schedule

Ga. Admin. Comp. Ch. 375-3-3-.01 -- Moving Traffic Violations Defined.

(1) The Department shall impose the following penalties upon receipt of a conviction of a violation of any of the listed offenses found within the Uniform Rules of the Road:

Code Section	Offense	Penalty
40-6-2	Failure to Obey Person Directing Traffic	3 points
40-6-6	Emergency Vehicle Violation	3 points
40-6-11	No Proof of Insurance-Motorcycle	3 points
40-6-14	Limits on Sound Volume	3 points
40-6-16	"Move Over" Violation	3 points
40-6-17	Use of Traffic-Control Device Preemption Emitter (while operating a motor vehicle)	3 points
40-6-20	Disregard of Traffic Control Device or Signal	3 points
40-6-21	Failure to Obey Traffic Signal or Light	3 points
40-6-23	Failure to Obey Flashing Signal	3 points
40-6-24	Lane Direction Violation	3 points
40-6-26(a)	Tampering with Traffic Signs or Signals (while operating vehicle)	3 points
40-6-26(b)	Operating Vehicle on Closed Roadway	3 points
40-6-27	Tampering with Pavement Markers (while operating vehicle)	
40-6-40	Improper Lane Usage	3 points
40-6-41	Failure to Yield to Oncoming Traffic	3 points
40-6-42	Improper Passing	3 points
40-6-43	Improper Passing on the Right	3 points
40-6-44	Improper Passing	3 points
40-6-45	Improper Passing on Hill or Curve	4 points
40-6-46	Passing in a No Passing Zone	3 points
40-6-47(b)	Wrong Way on One-Way Road	3 points
40-6-47(c)	Rotary Traffic Island Violation	3 points
40-6-48	Failure to Maintain Lane	3 points
40-6-49	Following Too Closely	3 points
40-6-50	Driving Within Gore or Improper Entry to Controlled Access Highway	3 points
40-6-51	Improper Use of Controlled-Access Road	3 points
40-6-52	Truck Lane Usage Violation	3 points
40-6-53	Bus or Motorcoach Lane Violation	3 points
40-6-54	HOV Lane Violation	1 point for 4 th +
40-6-55	Failure to Yield to Bicycle	3 points
40-6-56	Failure to Maintain Safe Distance from Bicycle	3 points

40-6-70	Failure to Yield at Intersection	3 points
40-6-71	Failure to Yield when Turning Left	3 points
40-6-72	Stop/Yield Sign Violation	3 points
40-6-73	Failure to Yield when Crossing or Entering Road	3 points
40-6-74	Failure to Yield to Emergency Vehicle	3 points
40-6-75	Failure to Yield to Construction Vehicle	3 points
40-6-76	Failure to Yield to Funeral Procession	3 points
40-6-91	Failure to Yield to Pedestrian	3 points
40-6-93	Failure to Exercise Due Care Near Pedestrian	3 points
40-6-94	Failure to Yield to Blind Pedestrian	3 points
40-6-98	Driving Through Safety Zone	3 points
40-6-120	Improper Turning	3 points
40-6-121	Improper U-Turn	3 points
40-6-122	Improper Starting	3 points
40-6-123	Failure to Signal Turn	3 points
40-6-124	Improper Use of Signal	3 points
40-6-125	Improper Use of Hand Signal	3 points
40-6-126	Improper Use of Turn Lane	3 points
40-6-140	Railroad Grade Crossing Violation	3 points
40-6-141	Disregard of Stop Sign at Railroad Grade Crossing	3 points
40-6-142	Failure to Stop at Railroad Grade Crossing	3 points
40-6-143	Improper Movement of Heavy Equipment at Railroad Grade Crossing	3 points
40-6-144	Improper Emerging from Alley, Driveway or Building	3 points
40-6-160	School Bus Speeding Violation	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-161	School Bus Headlight or Communication Device Violation	3 points
40-6-162	School Bus Signal Violation	3 points
40-6-163	Unlawful Passing of School Bus	6 points
40-6-164	School Bus Disembarking Violation	3 points
40-6-165	School Bus Operation Violation	3 points
40-6-181	Speeding	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points

40-6-184	Impeding the Flow of Traffic	3 points
40-6-185	Speeding on Bridge or Structure	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-188	Speeding in Work Zone	15-18 mph-2 points 19-23 mph-3 points 24-33 mph-4 points 34+ mph-6 points
40-6-205	Obstructing an Intersection	3 points
40-6-240	Improper Backing	3 points
40-6-241	Failure to Exercise Due Care	3 points
40-6-241.1	Violation of Usage of Wireless Telecommunications Device	1 point
40-6-241.2	Operating a Vehicle while Text Messaging	1 point
40-6-242	Driving with Obstructed View	3 points
40-6-244	Allowing Passenger in House Trailer	3 points
40-6-245	Improper Mountain/Canyon Driving	3 points
40-6-246	Coasting	3 points
40-6-247	Improper Following of Emergency Vehicle	3 points
40-6-248	Crossing Fire Hose	3 points
40-6-248.1	Unsecured Load Resulting in Accident	2 points
40-6-250	Wearing Device Impairing Vision or Hearing	3 points
40-6-251	Laying Drags	3 points
40-6-252	Cruising	3 points
40-6-253	Open Container	2 points
40-6-253.1	Improper Transportation of Infectious Substance	3 points
40-6-254	Unsecured Load Resulting in Accident	2 points
40-6-271	Violation of Duty Upon Striking Unattended Vehicle	3 points
40-6-272	Violation of Duty Upon Striking Fixed Object	3 points
40-6-273	Failure to Report Accident	3 points
40-6-275	Failure to Remove Vehicle From Roadway	3 points
40-6-311	Improper Operation of Motorcycle	3 points
40-6-312	Motorcycle Lane Violation	3 points
40-6-312(e)	Operation of Motorcycle Without Head/Tail Light	3 points
40-6-313	Clinging to Vehicle While on Motorcycle	3 points
40-6-314	Motorcycle Equipment Violation	3 points

40-6-315	Motorcycle Protective Gear Violation	3 points
40-6-326	Operating Personal Assistive Mobility Device While Intoxicated	3 points
40-6-352	Moped Headgear Violation	3 points
40-6-361	Low Speed Vehicle Lane Violation	3 points
40-6-362	Low Speed Vehicle Roadway Violation	3 points
40-6-390	Reckless Driving	4 points
40-6-393.1(c)	Feticide by Vehicle-2 nd Degree	3 points
40-6-397	Aggressive Driving	6 points

DDS shall assess the referenced points to the driver history record upon receipt of notice of any of the above convictions. Points shall also be assessed upon receipt of convictions for child safety restraint requirements as set forth in O.C.G.A. §40-8-76. DDS shall assess points to the driver history record upon receipt of notice of a conviction for a moving traffic violation in another state in accordance with the corresponding violation under Georgia law. Authority: O.C.G.A. §§40-5-52; 40-5-57.

DDS will accept one plea of *nolo contendere* for a moving traffic violation in any five year period without assigning points to the driving record. Subsequent pleas of *nolo contendere* will result in the assessment of points against the driving record, even for a different offense. For example, if a defendant pleads *nolo* for improper turning and does not have any previous *nolo* pleas for a moving violation in the past five years, DDS will record the violation onto the driving record without assessing points. If, one year later, the same defendant pleads *nolo* for failure to maintain lane, DDS will record the violation onto the driving record and will assess points. This process does not impact the treatment of pleas of *nolo contendere* for an offense for which DDS will suspend the license.

Nolo for under 21, please refer to under 21 section.

Limited Driving Permits

O.C.G.A. §40-5-64

When indicated in this document that a limited driving permit is available, the individual may obtain such a permit under the following terms and conditions:

Notwithstanding any contrary provision of O.C.G.A. §§40-5-57 or 40-5-63 or any other Code section in Chapter 5 of Title 40, any person who has not been previously convicted of or adjudicated delinquent for a violation of O.C.G.A. §40-6-391 within five years, as measured from the dates of previous arrests for which convictions were obtained or pleas of *nolo contendere* were accepted to the date of the current arrest for which a conviction is obtained or a plea of *nolo contendere* is accepted, may apply for a limited driving permit when and only when that person's driver's license has been suspended in accordance with:

- O.C.G.A. §40-5-22(a.1)(2) – School Related Suspensions
- O.C.G.A. §40-5-57(d) – Points Accumulation Suspension (first assessment in five years)
- O.C.G.A. §40-5-63(a)(1) – Mandatory Suspension and DUI (first conviction in five years)
- O.C.G.A. §40-5-67.2(a)(1) – Administrative License Suspension (first in five years)
- O.C.G.A. §40-5-57.1(a) – Speeding if at least 18 years of age at the time of permit application, suspended for exceeding the speed limit by 24 miles per hour or more but less than 34 miles per hour, and at the discretion of the sentencing judge (DDS-665B)

Applications for limited driving permits shall be made upon forms as DDS may prescribe. Such forms shall require information as is necessary for DDS to determine the need for the permit. All applications shall be signed by the applicant before a person authorized to administer oaths.

Standards for approval

DDS shall issue a limited driving permit if the application indicates that refusal to issue such permit would cause extreme hardship to the applicant. 'Extreme hardship' means that the applicant cannot reasonably obtain other transportation, and therefore the applicant would be prohibited from:

- Going to his or her place of employment or performing the normal duties of his or her occupation;
- Receiving scheduled medical care or obtaining prescription drugs;
- Attending a college or school at which he or she is regularly enrolled as a student;
- Attending regularly scheduled sessions or meetings of support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by DDS; or
- Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by DDS.

The permissible uses of each limited driving permit are reflected as restrictions printed on such card.

Senate Bill 236 (2012) will result in modifications to the permissible uses of all limited driving permits effective January 1, 2013. The permissible uses of non-interlock permits will be expanded to include the following:

- (1) Going to the holder's place of employment;
- (2) Receiving scheduled medical care or obtaining prescription drugs;
- (3) Attending a college or school at which he or she is regularly enrolled as a student;
- (4) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner;
- (5) Attending under court order any driver education or improvement school or alcohol or drug program or course approved by the court which entered the judgment of conviction resulting in suspension of his or her driver's license or by the commissioner;
- (6) Attending court, reporting to a probation office or officer, or performing community service; or
- (7) Transporting an immediate family member who does not hold a valid driver's license or work, medical care, or prescriptions or to school.

Permissible uses of ignition interlock limited driving permits will be limited to the following:

- (1) Going to the holder's place of employment;
- (2) Attending a college or school at which he or she is regularly enrolled as a student;
- (3) Attending regularly scheduled sessions or meetings of treatment support organizations for persons who have addiction or abuse problems related to alcohol or other drugs, which organizations are recognized by the commissioner; and
- (4) Going for monthly monitoring visits with the permit holder's ignition interlock device service provider.

Language allowing travel for the normal duties of the holder's occupation and for medical care intentionally deleted at the request of the National Highway Transportation Safety Administration so that Georgia would remain in compliance with the federal interlock requirements for multiple DUI offenders in 23 U.S.C. §164 and 23 C.F.R. Part 1275.

Duration of permit

A permit issued pursuant to O.C.G.A. §40-5-64 shall be \$25, shall be renewable for \$5 and shall become invalid:

- upon the driver's eighteenth birthday in the case of a suspension under O.C.G.A. §40-5-22(a.1)(2)
- upon the expiration of one year following issuance thereof in the case of a suspension for
 - an offense listed in O.C.G.A. §40-5-54 (mandatory suspensions)
 - an offense under O.C.G.A. §40-5-57 (point accumulation suspension)
 - a suspension in accordance with O.C.G.A. §40-5-63(a)(1) for a violation of O.C.G.A. §40-6-391
- upon the expiration of 30 days in the case of an administrative license suspension in accordance with O.C.G.A. §40-5-67.2(a)(1)
- or upon the expiration of six months following proof of installation of an ignition interlock device in the case of a limited driving permit issued to a person subject to a court order for installation and use of such a device pursuant to Article 7 of Chapter 8 of Title 42
- shall expire upon any earlier reinstatement of the driver's license.

A person may apply to DDS for a limited driving permit immediately following such conviction if he or she has surrendered his or her driver's license to the court in which the conviction was adjudged or to DDS if DDS has processed the citation or conviction. Upon the applicant's execution of an affidavit attesting to such facts and to the fact that the court had not imposed a suspension or revocation of his or her driver's license or driving privileges inconsistent with the driving privileges to be conferred by the limited driving permit applied for, DDS may issue such person a limited driving permit.

Revocation of permit

Any permittee who is convicted of violating any state law or local ordinance relating to the movement of vehicles or any permittee who is convicted of violating the conditions endorsed on his or her permit shall have his or her permit revoked by DDS. Any court in which such conviction is had shall require the permittee to surrender the permit to the court, and the court shall forward it to DDS within ten days after the conviction, with the notice of service form, and, if the court does not transmit electronically, a copy of the conviction.

Upon receipt of notice from the Division of Mental Health, Developmental Disabilities, and Addictive Diseases of the Department of Human Resources that a permittee who is required to complete a substance abuse treatment program pursuant to O.C.G.A. §40-5-63.1 enrolled in but failed to attend or complete such program as scheduled, DDS shall revoke such person's limited driving permit and, by regular mail to his or her last known address, notify such person of such revocation. Such notice of revocation shall inform the person of the grounds for and effective date of the revocation and of the right to review. The notice of revocation shall be deemed received three days after mailing.

Upon receipt of notice from a provider center for ignition interlock devices that an ignition interlock device has been tampered with or the permittee has failed to report for monitoring, DDS shall revoke the limited driving permit, and shall provide notice to the permittee as indicated above.

Any person whose limited driving permit has been revoked shall not be eligible to apply for a driver's license until six months from the date such permit was surrendered to DDS or the date that DDS processes the conviction that resulted in the revocation.

In any case of revocation of a limited driving permit, DDS may impose an additional period of suspension for the conviction upon which revocation of the permit was based.

Violating License Restriction(s)

O.C.G.A. §40-5-30

Plea of *nolo contendere* - Yes; for dispositions on and after 07/01/06; if accepted by court, do not report to DDS.

Suspension upon Conviction: No longer mandatory, at the discretion of the sentencing judge.

Limited Driving Permit – No.

Reinstatement Requirements: Remit reinstatement fee of \$210 (or \$200 if processed by mail).

Court Responsibilities:

- Seize the defendant's driver's license, or if applicable, complete an official Lost License Affidavit (DS-250A form).
- Serve the defendant with notice of suspension using the official DS-1190 form.
- Report the disposition electronically via GECPS within 10 days after conviction.
- Mail the DS-1190 form and driver's license/Lost License Affidavit to DDS.

License Restrictions (effective January 31, 2012)

Restrictions - Commercial and Non-Commercial

A	No Restriction	X	No Cargo in CMV tank vehicle
B	Corrective Lenses	Y	Hearing aid required
C	Mechanical Aids	Z	No full air brake
D	Prosthetic Aids required	1	Bioptic Lenses Required
E	No Manual Transmission Equipped CMV	2	Personal Vehicles Only
F	Right Outside Mirror	3	To/From employment, medical care, school, court ordered driver improvement/ driver education/drug or alcohol program, scheduled meetings of organizations for persons who have alcohol/drug addiction/abuse problems, or ignition interlock station. Interlock device is required.
G	Daylight Only		
H	Employer Vehicle Only		
I	Left Outside Mirror		
J	Automatic Transmission required		
K	Intrastate Commerce Only		
L	No Air Brake Equipped CMV		
M	No Class A Passenger Buses		
N	No Class A or B Passenger Buses		
O	No Tractor Trailer CMV		
P	Power Steering Required	5	Business purpose only
Q	No Passengers		
R	No Highway/Interstate	6	To and from medical only
S	Power Brakes Required	7	To and from school only
T	Disabled Parent		
U	Accompanied by Visually Impaired Parent	8	Ignition interlock required
V	Medical Variance	9	Valid in GA only
W	Valid Farm Waiver Required		

Note: Class D license "conditions," as referenced in O.C.G.A. §40-5-24, should not be confused with license "restrictions," as referenced in O.C.G.A. §40-5-30. An officer citing a driver of violating a Class D license "condition" should charge under O.C.G.A. §40-5-24. A violation of O.C.G.A. § 40-5-24, in and of itself, will not result in a suspension, is not a points-bearing

offense, and does not need to be reported to DDS.

Before convicting an individual of violation O.C.G.A. §40-5-30, the court should verify that the license does, in fact, have restrictions on it and that the officer clearly indicated on the UTC which restrictions were violated. Any conviction reported under §40-5-30 against a license that does not have restrictions on it will be returned to the court as an error.

Failure to Appear

O.C.G.A. §40-5-56; §17-6-11

Note: The purpose of this suspension is to make certain that the defendant will appear before the court to answer the charges alleged by the apprehending officer. This suspension will remain active until the Department of Driver Services receives notice from the court that the case against the defendant has been adjudicated.

This is the only purpose of this form. It cannot be used as a means of collecting fines from disposed cases. Courts may submit the DS-912 and DS-912 releases via the GECPS system. PLEASE USE A SEPARATE DS-912 FORM FOR EACH CITATION, IF YOU HAVE MULTIPLE CITATIONS, USE MULTIPLE FORMS.

The court should take the following actions if a Georgia driver's license was displayed in lieu of bail and the defendant does not appear in court at the time of arraignment:

The court is under no legal obligation to provide the driver with notice of their failure to appear in court, nor is the court under any legal obligation to provide drivers with a 'grace-period' prior to submitting notice to DDS. DDS will mail the driver notice of a pending suspension, giving them 28 days to clear the FTA with the court and show notice of such to DDS.

Courts can submit the FTA electronically via GECPS, OR:

1. Complete the official DS-912 form, checking the second block.
2. The copy that is marked "DEFENDANT'S NOTICE" (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court. The court shall then forward the "HOME JURISDICTION COPY" (yellow) to DDS immediately.
3. Upon receipt of a DS-912 forwarded by the court, DDS shall suspend the driver's license and driving privilege of the defaulting person indefinitely.
4. Upon adjudication the court should provide the defendant with the "DEFENDANT'S RECEIPT" (pink copy) and should mail the copy entitled "HOME JURISDICTION-SUSPENSION WITHDRAWAL" (goldenrod copy) to this Department.
5. It is important that the Department of Driver Services receives the copy marked the "HOME JURISDICTION-SUSPENSION WITHDRAWAL" in order to process the release of the suspension.
6. The "COURT COPY" (bottom copy) should be retained as a part of the court's records.

The suspension will be indefinite and only reinstated as described below.

Reinstatement Requirements:

- Courts can withdraw the FTA electronically via GECPS, OR
- After we receive the "HOME JURISDICTION-SUSPENSION WITHDRAWAL" copy from the court, the person must pay DDS a reinstatement fee of \$100 (\$90 if processed by mail or the DDS website)

For non-Georgia drivers licensed in a member state of the Nonresident Violator Compact:

Note: The Department of Driver Services will not accept DS-912 forms for people licensed in the following states, as these states are not members of the Nonresident Violator Compact:

Alaska, California, Michigan, Montana, Oregon, or Wisconsin

Those law enforcement agencies that submit traffic violations to your court should be notified not to issue appearance citations to drivers licensed in any of these six “nonmember” states.

DDS cannot accept FTA suspensions for non-Georgia drivers from states that are members of the Nonresident Violator Compact if the suspension is received more than 6 months from the date the driver failed to appear in court.

The court should take the following actions if a driver’s license from a “member state” was displayed in lieu of bail and the non-Georgia resident defendant does not appear in court at the time of arraignment:

Courts can submit the FTA electronically via GECPS, OR:

1. Complete the DS-912, checking the first block.
2. The copy that is marked “DEFENDANT’S NOTICE” (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court. The court shall then forward the “HOME JURISDICTION COPY” (yellow) to this Department within 5 days.
3. Upon receipt of a DS-912 forwarded by the court, DDS shall suspend the driving privilege of the defaulting person indefinitely.
4. Notification will be sent to the driver’s home state. As a member of the Nonresident Violator Compact, the member state has agreed to suspend the driver’s license issued in their state until notified by this department that charge against the person has been finally adjudicated.
5. Upon adjudication the court should provide the defendant with the “DEFENDANT’S RECEIPT” (pink copy) and should mail the copy entitled “HOME JURISDICTION-SUSPENSION WITHDRAWAL” (goldenrod copy) to this Department.

It is important that the Department of Driver Services receives the copy marked the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” in order to process the release of the suspension.

The “COURT COPY” (bottom copy) should be retained as a part of the court’s records.

Reinstatement Requirements:

- Courts can withdraw the FTA electronically via GECPS, OR
- After we receive the “HOME JURISDICTION-SUSPENSION WITHDRAWAL” copy from the court, the person must pay DDS a reinstatement fee of \$100 (\$90 if processed by mail or the DDS website)

Driver's License as Collateral

O.C.G.A. §17-6-2

Any qualifying defendant may be allowed to post their valid driver's license as collateral for bail pursuant to an agreement under O.C.G.A. §17-6-2.

The requirements are:

1. The individual is a Georgia resident;
2. The individual possesses a valid Georgia driver's license (not expired, suspended, or revoked);
3. The individual is charged with a violation of state law (misdemeanor offense);
4. The individual has been incarcerated for not less than five days; and
5. The individual's bail is \$1,000.00 or less.

The sheriff of the county wherein the violation occurred shall be authorized, unless otherwise ordered by a judicial officer, to accept that individual's driver's license as collateral. The individual posting a license as collateral shall execute an acknowledgment and agreement between the individual and the State of Georgia as bond wherein the individual agrees to appear in court to answer the charges made against the individual and acknowledges that failure to appear in court when the case is scheduled for hearing, trial, or plea shall result in a forfeiture of the individual's license through suspension by operation of law effective upon the date of the individual's scheduled appearance. The individual shall also be notified that failure to appear in court as required may result in criminal prosecution for bail jumping as provided in O.C.G.A. §16-10-51. After execution of the agreement, except as otherwise provided by law, the license shall be returned to the individual and the original agreement shall be delivered to the prosecuting attorney for filing with the accusation, citation, or dismissal. Whenever an individual has been charged with a violation of O.C.G.A. §40-6-391, relating to driving under the influence of alcohol or drugs, then the provisions of O.C.G.A. §40-5-67 shall apply. If the defendant does not appear in court at the time of arraignment, the court should take the following actions to clear this case:

1. Complete the official DS-912 form, checking the third block.
2. The copy that is marked "DEFENDANT'S NOTICE" (top copy) should be sent to the licensee as notification that he or she should appear to answer the charges before your court.
3. The court shall then forward, within five days, the "HOME JURISDICTION COPY" (yellow) to this Department.

Upon receipt of an official DS-912 form from the court, DDS shall suspend the driver's license and driving privilege of the defaulting person indefinitely.

Suspension

- Indefinite.

Reinstatement Requirements:

- A license suspended pursuant to this subsection shall only be reinstated when the individual pays to the Department of Driver Services a reinstatement fee of \$25.00 together with a certified notice from the clerk of the originating court that the case has either been disposed of or has been rescheduled and a deposit of sufficient collateral approved by the sheriff of the county wherein the charges were made in an amount to satisfy the original bail amount has been made.

Disqualifications of Commercial Driving Privileges

Both federal regulations and Georgia law establish the criteria for commercial disqualifications. Disqualifications should not be confused with suspensions. Disqualifications only withdraw the commercial privileges (that is, the licensee's privilege to operate a commercial motor vehicle). Suspensions, however, lead to the withdrawal of ALL driving privileges (non-commercial, commercial, and motorcycle). A licensee with a commercial disqualification can still operate a non-commercial vehicle if those privileges are not also suspended. There are many commercial disqualifications that do not impact non-commercial privileges. There are also offenses that result in both a suspension AND a disqualification (though, usually the disqualification is for a longer time period).

While federal regulations are generally intended to penalize CDL holders, or those operating a commercial motor vehicle (CMV), Georgia has opted to apply these penalties more comprehensively. In Georgia, commercial disqualifications will be imposed for certain offenses that occur in any vehicle by any person, regardless of license class or type. Because of this, Georgia must distinguish its commercial disqualifications between those imposed based on federal regulations and those imposed by Georgia law only. Offenses enumerated in federal regulations will result in a 'Federal Disqualification' when committed in CMV or by a CDL holder. These will also result in a 'Georgia Disqualification.' However, these same offenses, when committed in a non-CMV by a non-CDL holder will result in a 'Georgia Disqualification.' Both types of disqualifications will result in a withdrawal of all commercial driving privileges. It is important to note that these two distinct types of disqualification may appear as separate lines on a driving record for the same offense. It is also important to note that they do not impact each other. Regardless of the type of disqualification (either Federal or Georgia), the commercial driving privileges are withdrawn.

Commercial disqualifications are generally triggered by traffic-related offenses. These offenses (and the corresponding disqualifications) are divided into 4 distinct categories:

- Major Traffic Violations
- Serious Traffic Violations
- Railroad Grade Crossing Violations
- Out-of-Service Order Violations

Each of these categories (both the offenses and the disqualifications) is explained in detail in later sections.

MAJOR TRAFFIC VIOLATIONS

DDS will consider a conviction for any offense listed below as a Major Traffic Violation:

1. for any person (regardless of license class),
2. when committed in either a Commercial Motor Vehicle OR, unless otherwise stated, in a non-Commercial Motor Vehicle, and
3. when committed in the State of Georgia or any other jurisdiction.

The offenses are:

:

- Driving a vehicle under the influence in violation of §40-6-391 (DUI) ^{1,2}
 - this includes being under the influence of all substances (alcohol, drugs, inhalants, etc) AND includes the various levels of per se DUI based on age or vehicle type (i.e. .08 for a driver over 21 in a non-CMV; .02 for a driver under 21 regardless of vehicle; and .04 for a driver over 21 operating a CMV);
- Hit and Run or leaving the scene of an accident in violation of §40-6-270; ^{1,2}
- Failure to report striking an unattended vehicle in violation of §40-6-271; ^{1,2}
- Failure to report striking a fixed object in violation of §40-6-272; ^{1,2,3}
- Failure to report an accident in violation of §40-6-273; ^{1,2}
- Any felony in the commission of which a motor vehicle is used; ^{1,2}
- Driving a commercial motor vehicle while the person's commercial driver's license or commercial driving privilege is revoked, suspended, canceled or disqualified; ^{1,2}
- Homicide by vehicle in violation of §40-6-393; ^{1,2}
- Use of a motor vehicle in the commission of a felony involving the manufacturing, distributing, trafficking or dispensing of a controlled substance (as reported by 40-5-151(e)); ^{1,2}
- Racing on the streets and highways in violation of §40-6-186; ²
- Using a motor vehicle in attempting to flee or elude an officer in violation of §40-6-395; ²
- Operating a motor vehicle with a revoked, cancelled, or suspended registration in violation of §40-6-15; ²
- Fraudulent or fictitious use of or application for a license as provided for in §40-5-120 and §40-5-125; ²
- Theft of a commercial motor vehicle or of the cargo contained thereon or therein as provided for in §16-8-12(a)(8); ²
- Refusing to submit to a state-administered chemical test as required by a law enforcement officer pursuant to §40-5-55 (Implied Consent Refusal – Administrative License Suspension); ^{1,2}
- ANY of the above offenses or their equivalent as reported to Georgia DDS via an ACD Code or legal code by a court, administrative hearing office, or licensing authority in any other state or territory of the United States or any foreign jurisdiction (Georgia drivers are held accountable for their actions in other jurisdictions).

1 – Federal Major Violation; required by Federal regulations [49 CFR 383.51(b)]

2 – Georgia Major Violation; required by the O.C.G.A. §40-5-142(18.2) and §40-5-151

Major Commercial Disqualifications:

- For use of a motor vehicle in the commission of a felony involving the manufacturing, distributing, trafficking, or dispensing of a controlled substance ONLY: a lifetime disqualification of all commercial driving privileges that cannot be shortened or otherwise reduced.
- For a first conviction of any of the above offenses, if the offense occurred in a CMV that was transporting quantities of hazardous material sufficient to require a placard: a 3 year disqualification of all commercial driving privileges.
- For all other convictions:
 - 1st Conviction – 1-year disqualification of all commercial driving privileges;
 - 2nd Conviction – A lifetime disqualification of all commercial driving privileges.
- A Major Commercial Disqualification will become effective on the date DDS processes the conviction onto the record.
- A Major Commercial Disqualification will run concurrently to (at the same time as) any other suspension or disqualification on the driver's record.

Important Notes:

- Federal regulations allow states to consider the re-issuance of a CDL after 10 years of a lifetime disqualification if the driver meets certain criteria. Georgia, however, has opted to define a lifetime disqualification as a true, 'duration of the natural life' disqualification of all commercial privileges. This applies to both Federal and Georgia lifetime disqualifications. However, DDS anticipates advisory information from FMCSA in August 2012 which may impact the lifetime disqualification.
- A second conviction for a Major Traffic Violations will not generate a lifetime disqualification if it occurred as part of the same incident as the first conviction for a Major Traffic Violation.
- From 1/1/08 forward, a second conviction for a Major Traffic Violation within the lifetime of the driver will result in the lifetime disqualification. However, there are limitations when looking at previous convictions prior to 1/1/08. In all instances, DDS will make the final determination as to the applicability of a certain disqualification toward the contribution of a lifetime disqualification.

SERIOUS TRAFFIC VIOLATIONS

DDS will consider a conviction for any offense listed below as a Serious Traffic Violation:

- 1) for any person (regardless of license class),
- 2) when committed in either a Commercial Motor Vehicle OR, unless otherwise stated, in a non-Commercial Motor Vehicle , and
- 3) when committed in the State of Georgia or any other jurisdiction.

The offenses are listed in O.C.G.A. §40-5-142(22) as follows:

- Speeding 15 or more miles per hour over the posted limit in violation of §40-6-181, §40-6-188, or §40-6-60;
- Reckless Driving in violation of §40-6-390;
- Improper or Erratic lane change (including failure to signal a lane change)* in violation of §40-6-48;

- Following another vehicle too closely in violation of §40-6-49;
- Any traffic violation in connection with a fatal accident (but excluding Homicide by Vehicle as defined in Major Traffic Violations);
- A Railroad Grade Crossing Violation (as defined in that section) if committed in a non-commercial motor vehicle (a Georgia-only disqualification);
- Operating a CMV without obtaining a CDL in violation of §40-5-146(a)* or §40-5-151(f);
- Operating a CMV without a CDL in the driver's immediate possession in violation of 40-5-146(a);**
- Operating a CMV without a CDL of the proper class and/or endorsements for the specific vehicle being operated or for the passengers or type of cargo transported in violation of §40-5-150;
- Use of a wireless telecommunications device in violation of O.C.G.A. §40.6.241.2 while driving a CMV;
- ANY of the above offenses or their equivalent as reported to Georgia DDS via an ACD Code or legal code by a court, administrative hearing office, or licensing authority in any other state or territory of the United States or any foreign jurisdiction (Georgia drivers are held accountable for their actions in other jurisdictions).

*courts must report this offense as 40-5-146(a)(1) – see the Reportable Violations List

** courts must report this offense as 40-5-146(a)(2) – see the Reportable Violations List

Serious Traffic Disqualifications: O.C.G.A. §40-5-151(f)

A disqualification will be imposed as described below for any conviction of the above offenses when they occur within a 3-year period measured between the violation dates for which the convictions were obtained.

- 1st Conviction – no disqualification;
- 2nd Conviction – 60 days;
- 3rd or Subsequent Conviction – 120 days.

Important Notes:

- A second or subsequent conviction for a Serious Traffic Violation will not generate a disqualification if it occurred as part of the same incident as a previous conviction for another Serious Traffic Violation.
- Serious Commercial Disqualifications will run consecutively to (end-to-end) any other Serious Commercial Disqualifications on the record.

OUT-OF-SERVICE ORDER VIOLATIONS

An out-of-service order is a temporary withdrawal of the privilege to operate a CMV. An out-of-service order may be imposed against either the driver OR the vehicle. For example, an out-of-service order against a vehicle with defective equipment (such as brakes, axles, lights, etc) is in place indefinitely, or until the defect is fixed. An out-of-service order against a driver for an hours-of-service violation (driver on the road for too many hours) is in place for 8 hours. An out-of-service order against a driver for having any measurable alcohol in his or her system, or who refuses to take a chemical test, is in place for 24 hours.

Disqualifications for violating an out-of-service order will be applied when they occur within a 10-year period as measured from the violations dates for which the convictions were obtained. By definition, this offense must occur in a CMV.

Out-of-Service Orders violations can be reported to DDS by the courts using legal codes §40-5-146(b)(2) and §40-5-151(g)(3), or by other states using the appropriate ACD codes.

Out-of-Service Order Disqualifications, effective 1-1-09 (O.C.G.A. §40-5-151(g)):

- 1st conviction for an out-of-service order violation: 180 days;
- 1st conviction for an out-of-service order violation while transporting hazardous material in quantities that require a placard or operating a vehicle designed to transport 16 or more passengers: 180 days.
- 2nd conviction for an out-of-service order violation: 2 years ;
- 2nd conviction for an out-of-service order violation while transporting hazardous material in quantities that require a placard or operating a vehicle designed to transport 16 or more passengers: 3 years.
- 3rd or subsequent conviction for an out-of-service order violation: 3 years;
- 3rd or subsequent conviction for an out-of-service order violation while transporting hazardous material in quantities that require a placard or operating a vehicle designed to transport 16 or more passengers: 3 years.

RAILROAD GRADE CROSSING VIOLATIONS (O.C.G.A. §40-5-151(k)(1))

Railroad Grade Crossing Violations (RGCV) are offenses listed in O.C.G.A. §40-6-140 through §40-6-143. These offenses shall only be considered a Federal RGCV when committed in a commercial motor vehicle. Any RGCV committed in a non-commercial motor vehicle shall be considered a Georgia-only Serious Traffic Violation (see that section for details).

These offenses are:

- Failing to slow down and check that the tracks are clear of an approaching train before proceeding in violation of §40-6-140(c);
- Failing to stop before reaching the crossing if the tracks are not clear in violation of §40-6-140(d);
- Failing to stop before driving onto the crossing (if required to do so) in violation of §40-6-142(a);
- Failing to leave sufficient space to drive completely through a railroad crossing without stopping in violation of §40-6-140(e);
- Failing to obey a traffic control device or the directions of an enforcement official at a railroad crossing in violation of §40-6-140(a)(2);
- Failing to negotiate a crossing because of insufficient undercarriage clearance in violation of §40-6-140(f);
- ANY of the above offenses or their equivalent as reported to Georgia DDS via an ACD Code or legal code by a court, administrative hearing office, or licensing authority in any other state or territory of the United States or any foreign jurisdiction (Georgia drivers are held accountable for their actions in other jurisdictions).

Railroad Grade Crossing Disqualifications (O.C.G.A. §40-5-151(k)(2)(A))

A disqualification for a conviction of any of the above offenses will be imposed when they occur as separate incidents within a 3-year period as measured from the violations dates for which the convictions were obtained:

- 1st conviction: 60 days;
- 2nd conviction: 120 days;
- 3rd or subsequent conviction: 1 year.

Miscellaneous Disqualification

Failure to Weigh a CMV at a weigh station when required, as reported to DDS by O.C.G.A. §32-6-30 will result in a 90 day suspension of non-commercial privileges and a 90 day disqualification of commercial privileges.

Note: Although the commercial license may be suspended, revoked, or under a disqualification, the privilege of operating a non-commercial vehicle may or may not be affected.

The procedures regarding reinstatement, if the violation committed would mandate a suspension under “non-commercial driver’s license,” may be found under the specific offense that was committed. If the offense is not covered in this manual, and you wish information in regards to this offense, you may call the Commercial Driver’s License Unit at (678) 413-8458 or -8461.

Commercial Motor Vehicle/Commercial Driver's License FAQs

Question: What does "GVWR" mean?

Answer: GVWR means Gross Vehicle Weight Rating. GVWR is the rating applied by a vehicle manufacturer, and represents the maximum total weight of vehicle, cargo, people, fuel, and other fluids together.

Question: How is GVWR used?

Answer: The Gross Vehicle Weight Rating is one method used to determine whether a vehicle is subject to regulation.

Question: I'm confused. I've heard some people say that a GVWR of 10,001 lbs. or more makes a vehicle subject to the regulations, others say 26,001 lbs. Can you help clear this up?

Answer: Vehicles with a GVWR of 10,001 lbs. or more used as part of a business (including a non-profit organization) are considered commercial motor vehicles for purposes of most of the safety regulations. This applies to single vehicles (trucks and vans) and to combinations of vehicles (such as a truck pulling a trailer or other equipment). At 26,001 lb. and above GVWR, additional requirements also apply (Commercial Driver's License and Drug and Alcohol Testing). In addition, vehicles that carry hazardous materials for a business purpose are considered commercial regardless of GVWR.

Question: I've never heard of these regulations before. Are they new?

Answer: No. The safety regulations at the 10,001 lb. GVWR level have been in the Federal Regulations for decades. The State of Georgia first adopted the Federal Regulations in 1972 for for-hire carriers, and they have applied to both private and for-hire companies since 1984.

Question: My truck (or truck & trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need a medical examiner's certificate?

Answer: Yes. The medical qualification and exam requirements apply.

Question: My truck (or truck & trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need a US DOT Number?

Answer: Yes. The power unit must be identified with the name of the company and the US DOT Number. If you cross state lines, or otherwise carry interstate freight (such as air freight) the US DOT Number comes from the Federal DOT. If you stay within the State of Georgia, and don't carry interstate cargo, the US DOT number comes from the Georgia Department of Public Safety.

Question: My truck (or truck and trailer) that I use for my business has a GVWR of 10,001 lb. or more. Do I need to keep a logbook (Records of Duty Status)?

Answer: Generally, yes. Drivers of these vehicles are subject to the hours-of-service limits and record-keeping requirements. A local driver may not need a logbook if all of the following requirements are met:

1. The driver stays inside a 100 air mile radius of their work-reporting location.
2. The driver reports to and is dismissed from the same work reporting location and is released from work within 12 consecutive hours;
3. The property-carrying commercial motor vehicle driver has at least 10 consecutive hours off duty separating each 12 hours on duty;
4. The passenger-carrying commercial motor vehicle driver has at least 8 consecutive hours off duty separating each 12 hours on duty;
5. A property-carrying commercial motor vehicle driver does not exceed the maximum driving time specified §395.3(a)(3) following 10 consecutive hours off duty; or

6. A passenger-carrying commercial motor vehicle driver does not exceed 10 hours maximum driving time following 8 hours consecutive hours off duty; and
7. The motor carrier that employs the driver maintains and retains for a period of 6 months, accurate and true time records showing:
 - The time the driver reports for duty each day
 - The total number of hours the driver is on duty each day
 - The time the driver is released from duty each day; and
 - The total time for the preceding 7 days in accordance with §395.8(j)(2) for drivers used for the first time or intermittently.

Note: The driver is still subject to the 60 hours in 7-day rule or 70 hours in 8-day rule.

Question: My truck (or truck and trailer) that I use for my business has a GVWR of 10,001 lb. or more. What hours-of-service limits apply?

Answer:

HOURS-OF-SERVICE RULES	
Property-Carrying CMV Drivers	Passenger-Carrying CMV Drivers
11-Hour Driving Limit May drive a maximum of 11 hours after 10 consecutive hours off duty.	10-Hour Driving Limit May drive a maximum of 10 hours after 8 consecutive hours off duty.
14-Hour Limit May not drive beyond the 14th consecutive hour after coming on duty, following 10 consecutive hours off duty. Off-duty time does not extend the 14-hour period.	15-Hour On-Duty Limit May not drive after having been on duty for 15 hours, following 8 consecutive hours off duty. Off-duty time is not included in the 15-hour period.
60/70-Hour On-Duty Limit May not drive after 60/70 hours on duty in 7/8 consecutive days. A driver may restart a 7/8 consecutive day period after taking 34 or more consecutive hours off duty.	60/70-Hour On-Duty Limit May not drive after 60/70 hours on duty in 7/8 consecutive days.
Sleeper Berth Provision Drivers using the sleeper berth provision must take at least 8 consecutive hours in the sleeper berth, plus a separate 2 consecutive hours either in the sleeper berth, off duty, or any combination of the two.	Sleeper Berth Provision Drivers using a sleeper berth must take at least 8 hours in the sleeper berth, and may split the sleeper-berth time into two periods provided neither is less than 2 hours.

Question: What are the commonly violated regulations?

Answer: For vehicles and combinations with GVWR of 10,001 lbs. or more:

- Vehicle identification (Name and US DOT Number)
- Operating a commercial motor vehicle without a commercial drivers license
- No medical exam certificate
- Using a radar detector (radar detectors are prohibited)
- No fire extinguisher
- No stopped vehicle warning devices (reflective triangles)
- Driver did not do a pre-trip inspection (need not be written)
- Driver exceeded hours-of-service limits
- No time records kept on driver
- No annual mechanical inspection of vehicle
- No post-trip inspection (must be in writing)
- Trailers not equipped with required brakes, lights, and reflectors.

Question: What kinds of regulations are there about alcoholic beverages?

Answer: These regulations apply to all commercial vehicles, 10,001 lbs. or more:

- The driver may not have any alcoholic beverage (including so called "non-alcoholic" beer) anywhere on the vehicle or combination. There are exceptions if the beverages are part of the legitimate manifested cargo, and for bus and limousine passengers.
- The driver may not operate the vehicle with any measurable amount of alcohol in their system.
- The driver may not consume alcohol within 4 hours of reporting to work.
- A driver who violates these regulations will be placed out of service for 24 hours. The vehicle may be impounded.

Question: My truck has air brakes, but a GVWR under 26,001 lbs. Do I need a Commercial Driver's License?

Answer: No, unless the vehicle is used to transport hazardous materials that require placards. Air brakes alone do not invoke the CDL requirement.

Question: Where can I get more information about the Motor Carrier Safety Regulations?

Answer: The Federal Motor Carrier Safety Administration has a Regulatory Guidance section on their website: www.fmcsa.dot.gov

NOTE: These Questions and Answers are general restatements of the Motor Carrier Safety Regulations and Georgia Law. Always consult applicable regulations and law specific to your situation.

Juvenile Court Procedures

Please Do Not Report those cases which have been *nolle prossed*, reduced to a warning, dismissed, voided, dead docketed, held in abeyance, informally adjusted, those cases which concluded in the child and parent being reprimanded or counseled, any conviction that is exempted under Title 40, or any conviction that does not relate to the operation of a motor vehicle or will not result in the suspension of a driver's license unless a suspension is ordered by the court.

Please note that any interruption of driving privileges of a juvenile caused by a suspension, whether mandated by law or ordered by the court, may result in the delay of progression through Georgia's teenage graduated licensing program.

Reporting procedures:

Juvenile Courts may submit convictions and court-ordered suspensions to DDS via the following methods:

Electronically

Courts can electronically submit a juvenile traffic ticket, drug conviction, or court ordered suspension (pursuant to a juvenile hearing, disposition of a reportable violation during a juvenile traffic hearing, or disposition of delinquency). Contact your vendor for more information on how to data enter this information and successfully transmit it to DDS.

DS-1137 - Under 16 years of age for DUI or certain Drug Possession Charges

If the juvenile is less than 16 years of age, the court can use a form DS-1137 for an adjudication of delinquency for Driving Under the Influence (O.C.G.A. §40-6-391), Possession of Controlled Substance (O.C.G.A. §16-13-30), or Possession of Dangerous Drugs (O.C.G.A. §16-13-72). The court should use the first check box on the form (O.C.G.A. §40-5-22.1). The court should circle the appropriate legal code and indicate whether it is a first or second adjudication. A first adjudication will result in the suspension of the Class CP license or the denial of licensing privileges until the juvenile reaches the age of 17. A second adjudication will result in the suspension of the Class CP license or the denial of licensing privileges until the juvenile reaches the age of 18.

Limited Driving Permit - No

Reinstatement Procedures:

- Upon reaching the age of eligibility, the following requirements must be met before a driver's license will be issued:
 - Completion of a Drug/Alcohol Risk Reduction course approved by DDS or an assessment and intervention program approved by the juvenile court. . The original certificate of completion must be provided to DDS by the juvenile on or before the time of application; and
 - Payment of a \$210.00 reinstatement fee (or \$200.00 if applied for by mail) for first suspension, \$310.00 reinstatement fee (or \$300 if processed by mail) for second suspension, or \$410.00 reinstatement fee (or \$400 if processed by mail) for third suspension.

DS-1137 – 17 years of age or under for court-ordered suspensions

If a juvenile court would like to initiate a court-ordered suspension pursuant to an adjudication of delinquency, a juvenile traffic conviction, or for any reason the court is legally permitted to do so, it can use the DS-1137 and check the appropriate box. Depending on the legal reason for the suspension, the juvenile court is limited to either the period of the probation or a period of time not to go beyond the driver's 18th birthday. The form explains which suspension period is appropriate.

Because court-ordered suspensions will “age off” of the record once the period of suspension has elapsed, the court should retain the driver's license and return it to the juvenile at the end of the suspension period. This will prevent the juvenile from paying a replacement fee for their license. All other offenses will have reinstatement requirements as indicated in this document or otherwise required by DDS pursuant to Georgia law.

DS-32 Uniform Traffic Citation – Juvenile Traffic Charges

If a juvenile court is reporting a traffic-related conviction via a Uniform Traffic Citation, it can do so by completing the “Disposition and Sentence” portion on the reverse of the UTC. This will result in DDS taking the appropriate action required by law (assessment of points or a suspension).

If the court wishes to impose a court-ordered suspension, the following phrase must appear in the “Disposition and Sentence” section on the reverse side of the UTC:

“As a matter of probation, the driver's license will be suspended for a period of _____” (period of time)

The Uniform Traffic Citation or the official DS-1137 form is an acceptable means of reporting court-ordered suspensions via paper. However, submit only one. Submitting both documents may result in duplicate suspensions.

Juvenile Traffic charges are described in greater detail below.

DS-1242 Violations of the Georgia Controlled Substance Act (VGCSA)

The courts may use the DS-1242 to report the adjudication of a juvenile for any violation of the Georgia Controlled Substance Act. If the juvenile is under the age of 16 at the time of disposition and is charged with O.C.G.A. §16-13-30 or §16-13-72, DDS will take the actions described above (DS-1137 – Under 16 years of age) as if it were reported via the DS-1137 for an under 16 VGCSA charge.

Disposition of Delinquent Child.

O.C.G.A. § 15-11-66

The following offenses shall be delinquent offenses and shall not be handled as juvenile traffic offenses:

- Homicide by Vehicle,
- Manslaughter resulting from the operation of a vehicle,
- Any felony, in the commission of which, a motor vehicle is used,
- Racing on Highways and Streets,
- Using a motor vehicle in Fleeing or Attempting to Elude an Officer,
- Fraudulent or fictitious use of a license,
- Hit and run/Leaving the scene of an accident,
- Driving under the Influence
- Possession of a Controlled Substance or Marijuana, and
- Any other offense for which driving privileges may be suspended or revoked for an adult.

If the adjudication will result in the mandatory suspension of the driving privileges, the court should seize the driver's license and mail it along with a copy of the notice of suspension form (DS-1190) to DDS.

At the conclusion of the dispositional hearing provided in subsection (a) of O.C.G.A. § 15-11-65, if the child is found to have committed a delinquent act, the court may, in addition to any other treatment or rehabilitation, suspend the driver's license of such child for any period not to exceed the date on which the child becomes 18 years of age or, in the case of a child who does not have a driver's license, prohibit the issuance of a driver's license to such child for any period not to exceed the date on which the child becomes 18 years of age. If the court is ordering a suspension for a violation that would not normally generate a suspension of the driving privileges by DDS, the court should retain the driver's license for a period of suspension and return it to the offender at the end of such period.

Under 17 years of age – Juvenile Traffic Offenses

O.C.G.A. §15-11-73

Upon finding that the child has committed a juvenile traffic offense or a delinquent offense that would be a violation of O.C.G.A. Title 40 if committed by an adult, the court shall forward, within 10 days, a report of the final adjudication and disposition of the charge to the Department of Driver Services. The Department of Driver Services shall record the adjudication and disposition of the offense on the child's permanent record and such adjudication and disposition shall be deemed a conviction for the purpose of suspending or revoking the individual's driver's license. Such record shall also be available to law enforcement agencies and courts as are the permanent traffic records of adults.

Subsequent to an adjudication of any Juvenile Traffic Offense governed by O.C.G.A. §15-11-73, the court has the authority to impose any of the following sanctions:

- Any sanction listed under O.C.G.A. §15-11-66 [O.C.G.A. §15-11-73(g)(6)]
- Order, as a condition of probation, the Department of Driver Services to suspend the child's license or privilege of the child to be issued a license for a period of time not exceed 12 months. [O.C.G.A. §15-11-73(g)(2)]
- Require the child to attend a traffic school approved by the Department of Driver Services or a substance abuse treatment clinic or program approved by the Department of Driver Services or Council of Juvenile Court judges for a reasonable period of time. [O.C.G.A. §15-11-73(g)(3)]

If the juvenile has a driver's license and the violation is not an offense for which the license may be suspended by the Department of Driver Services, the court should hold the license until its ordered suspension has concluded. By doing this, a reinstatement fee will not be required by the Department of Driver Services.

If the conviction itself will generate a suspension as a matter of law, simply report the conviction and DDS will automatically suspend the license.

School Attendance/Conduct Suspensions

O.C.G.A. §40-5-22

The driver's license of any person under the age of 18 years will be suspended by the Georgia Department of Driver Services upon notification that he/she has:

- Dropped out of school without graduating and has remained out of school for ten consecutive school days;
- Ten or more school days of unexcused absences in the current academic year or previous academic year; or
- Been found in violation by a hearing officer, panel, or tribunal of one of the following offenses, or received a change in placement for committing one of the following offenses, or waived his or her right to a hearing and pleaded guilty to one of the following offenses:
 - Threatening, striking, or causing bodily harm to a teacher or other school personnel;
 - Possession or sale of drugs or alcohol on school property or at a school-sponsored event;
 - Possession or use of a weapon on school property or at a school-sponsored event. For purposes of this subparagraph, the term 'weapon' shall be defined in accordance with Code Section 16-11-127.1 but shall not include any part of an archeological or cultural exhibit brought to school in connection with a school project;
 - Any sexual offense prohibited under Chapter 6 of Title 16; or
 - Causing substantial physical or visible bodily harm to or seriously disfiguring another person, including another student.

Suspension

- The suspension shall be for a period of one year or shall end upon the date of such minor's eighteenth birthday or upon receipt of satisfactory proof that the minor is pursuing or has received a general educational development (GED) diploma, a high school diploma, a special diploma, a certificate of high school completion, or has terminated his or her secondary education and is enrolled in a postsecondary school, whichever comes first.

Limited Driving Permit/ Hardship License:

- Yes

A limited permit may be available in cases in which the suspension would create an "undue hardship" on the juvenile or juvenile's family, or if there is clear and convincing evidence that the enforcement of the provisions of this subsection would act as a detriment to the health or welfare of the minor [O.C.G.A. § 40-5-22]. The limited permit (if granted) is \$25, renewable for \$5, and will become invalid upon the driver's 18th birthday. The Department is authorized to grant a hardship exemption from the provisions of the subsection.

See O.C.G.A. §40-5-64(e).

Miscellaneous Information

City or County Ordinances: Do not use a city or county ordinance as the violation code. These will not be processed by DDS. Use the Code Section from the Official Code of Georgia Annotated.

Open Container Law: This violation assesses two points if the person was driving at the time of the violation. All convictions involving drivers must be reported to this Department. DO NOT report passengers that are in violation of the open container law.

Completion Certificate from a Drug or Alcohol Course: If the course is completed after violation date, the certificate will be accepted at any time provided the certificate has not already been used for the reinstatement of any other suspension.

Lost License Affidavit: The form (DS-250A) has been provided to meet the requirement of submitting a license to the court in those cases where the defendant is unable to surrender his/her license. This form must be sent to DDS in lieu of the defendant's driver's license if the license has been lost or stolen.

Implied Consent Suspension: A defendant no longer has the option of pleading guilty to the offense of DUI for the purpose of nullifying an Implied Consent suspension that has already begun (12 month suspension).

Extension of the 180 Day Permit (DS 1127): (Blue and white temporary driving permit placed on the bottom of DUI citation) At the time a law enforcement officer takes a person's driver's license for an alcohol concentration in violation of O.C.G.A. §40-6-391 but less than the level for an administrative license suspension under O.C.G.A. §40-5-67.1, the officer shall issue an 180 temporary driving permit. This permit shall be valid until the expiration of 180 days or until the person's driving privilege is suspended or revoked. The Director of Customer Service, Licensing, and Records, or the Director's designee, must authorize all extensions of this permit. DDS shall extend the permit for 30 days only upon receipt of an order from the judge, clerk of court, or solicitor from the court of jurisdiction stating that the case has not yet been adjudicated. The 30 day extension will be DS Form 1128 which, when accompanied with the Uniform Traffic Citation for violation of O.C.G.A. § 40-6-391, will serve as a temporary driver's permit for 30 days. DDS shall not issue more than five (5) 30-day extensions of the 180-day permit.

Production of Evidence

If you are electronically connected by a GCIC computer terminal to the data center of the Department of Driver Services, you may receive records as evidence without any additional certification from this Department (O.C.G.A. §40-5-2 and O.C.G.A. §24-3-17).

Under O.C.G.A. §24-3-17, this record "shall be admissible as evidence as proof of the act, transaction, occurrence, or event..."

Before any additional documentation is subpoenaed from this Department, please check the driving record for all pertinent data before making your request.

DDS Forms Used by Courts and Law Enforcement

Courts and Law Enforcement Officers

DS-32C	Report of Conviction for Violation of Motor Vehicle Laws.
DS-250A	Lost License Affidavit.
DS-354	Georgia Implied Consent Notice
DS-912	Notice of Failure to Comply with Terms of Citation (Failure to Appear).
DS-1030	Personal Service of Habitual Violator by Apprehending Officer or Court
DS-1126	First DUI Conviction Court Affidavit.
DS-1127	180-day Temporary Driving Permit (For DUI arrests not qualifying for DS1205).
DS-1137	Report of Juvenile Court Suspension.
DS-1150	Notice of Suspension/Revocation by a Sworn Officer.
DS-1189	Notice of Habitual Violator by the Court
DS-1190	Notice of Suspension/Revocation by the Court
DS-1205	Administrative License Suspension
DS-1205S	Administrative License Suspension Supplemental
DS-1242	Report of Conviction for Possession of Controlled Substances or Marijuana.

The forms listed above may be ordered by placing your request on Court/Agency letterhead. This request should list the form number as well as the title of the form. The request must indicate the physical mailing address of the requesting agency because UPS WILL NOT SHIP to PO Boxes.

FAX your request to (678) 413-8489 [Attn: Tona Harrell].

Or mail your request to:

Department of Driver Services
Attn: Tona Harrell
PO Box 80447
Conyers, GA 30013

Support of Court Functions

Our customer service numbers for the general public are as follows:

678-413-8400

or, outside Atlanta Metro Calling Area: 1-866-754-3687.

A list of all of our offices, hours, and directions can be found at the following website (the services offered at each location – i.e. Reinstatement, CDL, motorcycle, etc is also indicated): www.dds.ga.gov

The following information is provided to courts, officers of the court, and law enforcement personnel in confidence. **Please, these numbers should not be disclosed to the general public under any circumstances:**

For specialized customer assistance and court corrections, please contact:

Shea Wiggins, Customer Service Specialist

(678) 413-8478 [Office]

(678) 413-8479 [Facsimile]

OR

Sheron Beard, Customer Service Specialist

(678) 413-8416 [Office]

(678) 413-8479 [Facsimile]

For questions regarding GECPS registration, testing, or production, please contact:

Donna Staten, Business Analyst

(678) 413-8434 [Office]

dstaten@dds.ga.gov

For questions regarding GECPS errors, please contact:

Beverly Tankersley, Customer Service Specialist

(678) 413-8847 [Office]

btankersley@dds.ga.gov

For general support of court functions, training, or topics related to this manual, please contact:

Brett Young, Business Analyst

(678) 413-8807 [Office]

(678) 413-8489 [Facsimile]

byoung@dds.ga.gov

For assistance with legal questions, please contact:

Vicki Judd, Assistant General Counsel

(678) 413-8765 [Office]

(678) 413-8773 [Facsimile]

vjudd@dds.ga.gov

Notes